

August 16, 2023

Ministry of Municipal Affairs and Housing

777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

RE: ERO 019-7195
Comments on Durham Region Official Plan
72 Ormiston Street, Hampton
Municipality of Clarington
TBG Project No. 21800

The Biglieri Group Ltd. ("TBG") is the planning consultant for Honey Harbour Estates Ltd., the owner of the lands legally known as Part of Lot 17, Concession 5, Darlington and municipally known as 72 Ormiston Street in Hampton, Municipality of Clarington ("Subject Site" or "Site"). The Subject Site is located north of Ormiston Street and east of Old Scugog Street (**Figure 1**).

Durham Regional Council adopted a new Official Plan ("New Durham OP") on May 17, 2023. The New Durham OP is now before the Minister of Municipal Affairs and Housing ("MMAH") for a decision under the Planning Act. The New Durham OP includes new settlement areas and employment areas. The Subject Site is currently located outside the Hampton *Hamlet* boundary and is currently designated as *Prime Agricultural Areas* in the Durham Regional Official Plan (May 2020 Consolidation) (**Figure 2**), and is designated the same within the New Durham OP. The Hampton *Hamlet* is shown directly south of the Subject Site in the New Durham OP (**Figure 3**).

We are writing on behalf of the owner to provide comments on ERO 019-7195 for the Subject Site prior to MMAH's decision on the New Durham OP's approval. We request the Subject Site be included within the Hampton *Hamlet* in the Durham Regional Official Plan. We further request a modification to the *Regional Natural Heritage System* mapping to reflect the existing natural heritage features present on the Subject Site.

BACKGROUND

The Subject Site is part of an original landholding that also included the lands immediately to the south fronting Ormiston Street. Consent applications were approved in 2012 and 2017 creating a total of eleven (11) new residential lots fronting on Ormiston Street. These new residential lots are currently within the *Hamlet* boundary and zoned for rural residential uses.

The Subject Site was designated as *Hamlet* as part of Municipality of Clarington Official Plan Amendment 107 as a minor rounding out of the Hampton *Hamlet* boundary, adopted by Clarington Council on November 1, 2016 as shown on Exhibit "12" of Staff Report PSD-060-2016 (**Figure 4**). OPA 107 was approved by Durham Region on June 19, 2017, however, the minor rounding out of the *Hamlet* boundary was deferred subject to the completion of studies, as outlined in the June 19, 2017 Durham Region Notice of Decision, Table C, Deferred Decision No. 3. The minor rounding of a *Hamlet* in the *Protected Countryside* of the Greenbelt was permitted

as per Policy 3.4.3.2 of the Greenbelt Plan, 2005, which was in force at the time of OPA 107 being approved by Durham Region.

In addition to the deferral, Modification 80 by Durham Region in the Notice of Decision for OPA 107 further added new Policy 12.4.6 stating “notwithstanding policy 3.4.3.2 of the Greenbelt Plan, minor rounding out of the hamlet boundaries of Newtonville, Leskard, Maple Grove, Kendal, Hampton and Solina may be permitted in accordance with the relevant policies of the Greenbelt Plan and the Durham Regional Official Plan, subject to the completion of appropriate studies to justify and establish the limits of such rounding-out”.

As noted above, the Subject Site was added to the Hampton *Hamlet* boundary as part of Clarington’s Official Plan Review that culminated in OPA 107. The *Hamlet* expansion was subsequently deferred by Durham Region subject to the completion of studies by the landowner as required by the new Policy 12.4.6. It is our understanding that Clarington agreed with the deferral, as outlined in Clarington Staff Report PSD-036-17, on the basis that the *Hamlet* rounding out was preserved under the Greenbelt Plan that was in force at the time OPA 107 was adopted by Clarington and approved by Durham Region (being prior to July 1, 2017).

A submission was made in October 2016 by CM Planning Inc. to the Province as part of the coordinated land use planning review for the Greenbelt Plan and Growth Plan (**Attachment 1**). In that submission, it was requested that the Policy 3.4.3.2 of the 2005 Greenbelt Plan permitting the minor rounding out of *Hamlet* boundaries be reinstated in the proposed Greenbelt Plan or proposed Growth Plan. The reinstatement of Policy 3.4.3.2 would be consistent with the position Clarington has agreed to with respect to the continued application of that policy for the Hampton Hamlet boundary request, and would provide clarity on the rounding out of the Hampton Hamlet boundary as considered by the Municipality through OPA 107.

The owners appealed the approval of OPA 107 by Durham Region to the Local Planning Appeal Tribunal (LPAT) with respect to the designation on the land use schedules showing the extent of the boundary of the minor rounding out, Minimum Vegetation Protection Zone – Table 3-1, Natural Heritage System policies, and Implementation policies. The appeal was subsequently withdrawn.

NEW DURHAM OFFICIAL PLAN

As part of Envision Durham, a Settlement Area Boundary Expansion request (“SABE”) was submitted by D.M. Wills Associates Limited on behalf of the owners to expand the Hampton *Hamlet* boundary to include the Subject Site, identified as BER-34 in Durham Region Staff Report #2021-INFO-84. As outlined in Attachment 1 to Staff Report #2021-INFO-84, it was requested by Fourteen Estates “that the Deferrals to the Clarington Official Plan be resolved to include the subject lands within the *Hamlet* of Hampton, and to also include adjacent lands to the west within the *Hamlet* boundary, to permit the development of a 13 Lot Plan of Subdivision”.

On February 10, 2023, the Draft ROP was released to the public for review and comment. The Subject Site was not included in the Hampton *Hamlet*, as requested, but was designated as *Prime Agricultural Areas* on Map 1 – Regional Structure in the Draft ROP. On behalf of the owner, TBG submitted a letter to Durham Region on March 31, 2023, to request the Subject Site be included within the Hampton *Hamlet* in the Draft Durham Regional Official Plan and to further request a

modification to the *Regional Natural Heritage System* mapping to reflect the existing natural heritage features present on the Subject Site.

The New Durham OP (May 17, 2023) shows the same designation of *Prime Agricultural Areas* as in the Draft ROP (**Figure 3**). Further, the Subject Site is completely within the *Regional Natural Heritage System* overlay as shown on Map 2a – Regional Natural Heritage System (**Figure 5**).

TBG COMMENTARY AND RECOMMENDATIONS

TBG recommends that the *Hamlet* boundary be extended to include the Subject Site in the New Durham OP as it corresponds with the Municipality of Clarington's intention to designate the Subject Site as *Hamlet* through OPA 107 and to be used for residential purposes. The Subject Site is an appropriate location for future residential development, and the designation of the Subject Site as *Hamlet* will allow for more housing to be built to meet the Province's goal of 1.5 million homes built over the next 10 years.

The north and west portions of the Subject Site are constrained by woodland and wetland features while the lands to the south have already been developed for residential uses. As a result of these features, there is very little area available for agricultural uses as proposed by the *Prime Agricultural Areas* designation, and any such use will result in low production value and utility. Additionally, residential lots and a looping of Ormiston Street were contemplated when the lots to the south were severed from the Subject Site as demonstrated on the conceptual Draft Plan of Subdivision prepared by D.G. Biddle (**Attachment 2**). Future development of the Subject Site will preserve the existing natural heritage features and respective protection zones, which will be outlined in an Environmental Impact Study to be submitted with a future development application. Additionally, studies such as a Hydrogeological Report, Phase One Environmental Site Assessment and Minimum Distance Separation will also be submitted in support of a future development application and minor rounding out of the *Hamlet*.

With respect to the Regional Natural Heritage System, the entirety of the Subject Site was added to the Regional Natural Heritage System shown on Map 2a of the New Durham OP (**Figure 5**) notwithstanding that a significant portion of the land does not contain any natural heritage features. Constraints mapping was completed by Oakridge Environmental that delineates woodland and wetland features and their environmental setbacks (**Attachment 3**). As a result, we recommend that the mapping maintain the limits of the Key Natural Heritage and Hydraulic Features from Schedule 'B' – Map 'B1e' in the current Regional Official Plan (2020) ("ROP 2020") (**Figure 6**) that is generally consistent with the Oakridge Environmental mapping. This recommendation further supported by a recent Letter of Opinion by Cunningham Environmental Associates, dated August 1, 2023, which identifies buffers from the staked dripline of natural woodland features resulting in similar limits to the Environmental Features as the current Regional Official Plan (2020), and finds the Subject Site suitable in its current state to be developed for rural residential use (**Attachment 4**).

For the reasons explained above, we therefore request that the *Hamlet* boundary as shown on Map 1 of the New Durham OP be expanded to include the Subject Site as was adopted by the Municipality of Clarington in 2016 through Clarington Official Plan Amendment 107. In addition, we further recommend that Map 2a of the New Durham OP be amended to be consistent with the Oakridge Environmental constraints mapping and the Schedule 'B', Map 'B1e', of the

current ROP 2020 by removing the Regional Natural Heritage System designation from the majority of the Subject Site.

We trust you will find all in order, however if you have any questions or require additional information, please contact the undersigned at your earliest convenience.

Respectfully,
THE BIGLIERI GROUP LTD.

A handwritten signature in black ink, appearing to read "Mark Jacobs". The signature is written in a cursive, flowing style.

Mark Jacobs, MCIP, RPP
Senior Planner

cc. Rick Rondeau, Fourteen Estates Limited



Figure 1: Aerial View of Subject Site.
(Source: Municipality of Clarington, 2022)

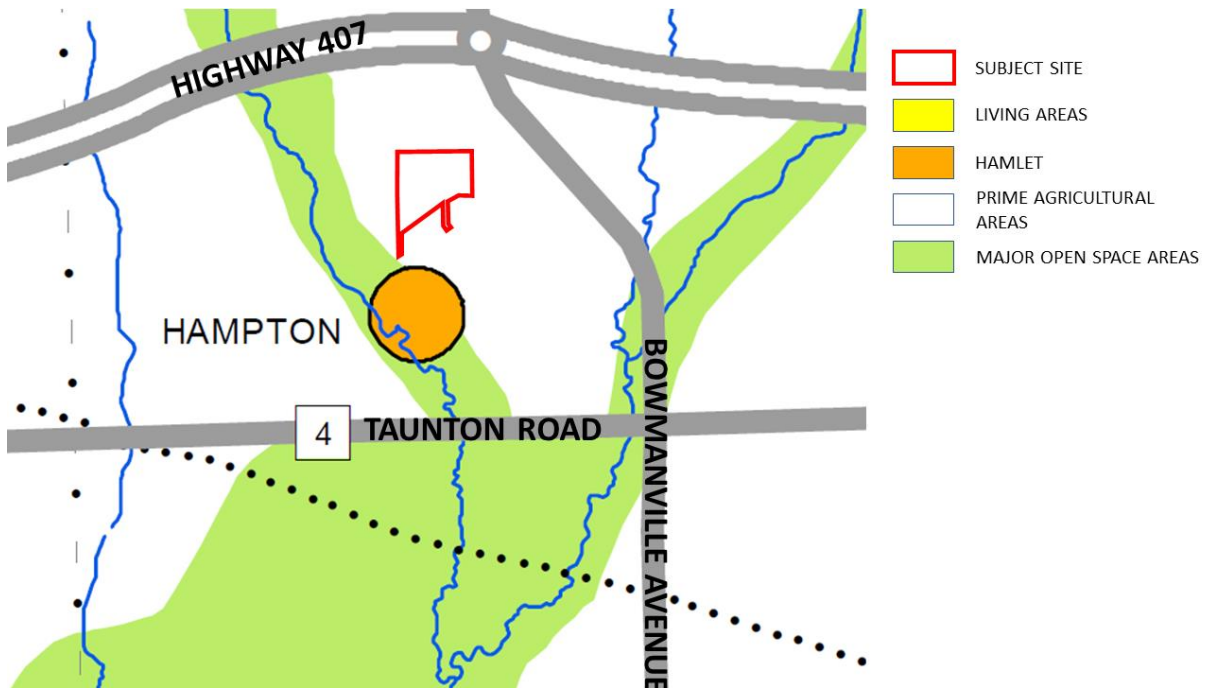


Figure 2: Subject Site in Schedule 'A', Map 'A3', of the Durham Official Plan (2020)
(Source: Durham Region, 2020)

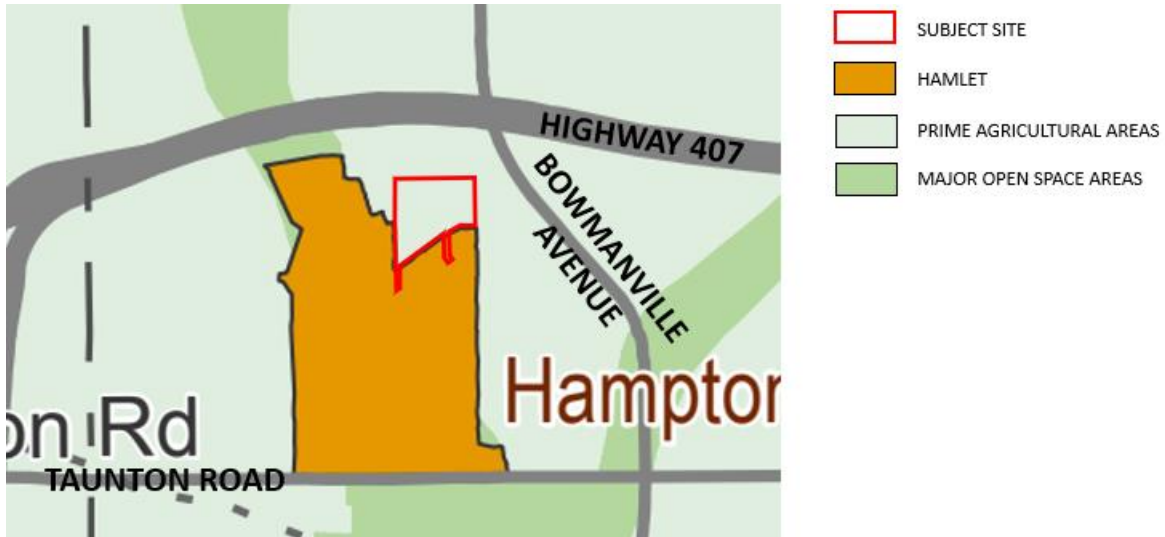


Figure 3: New Durham Regional Official Plan (2023): Map 1 – Regional Structure
 (Source: Durham Region, May 17, 2023)

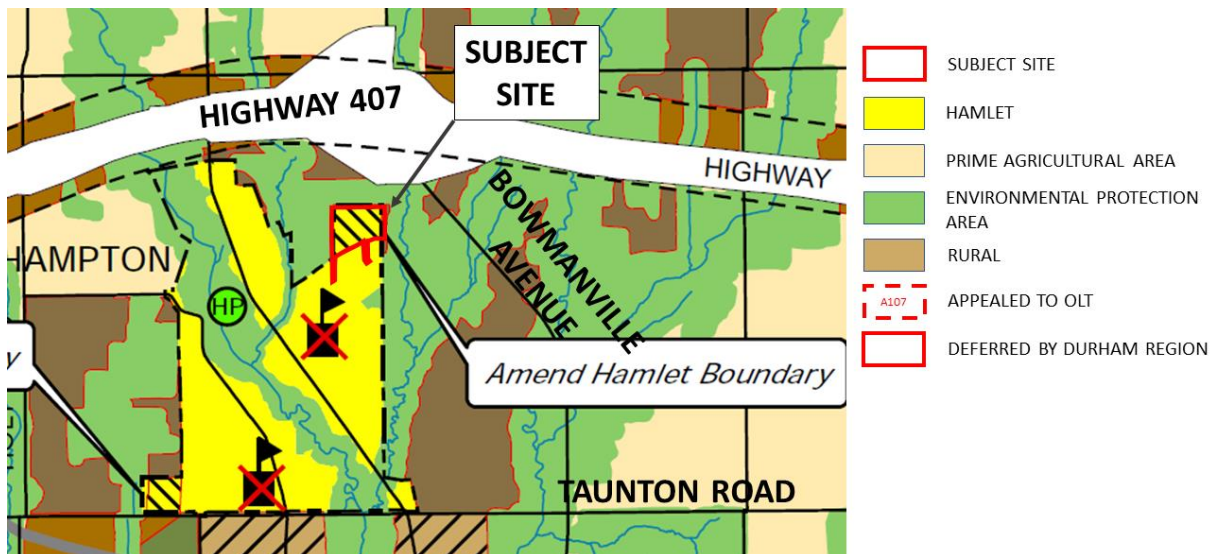


Figure 4: Subject Site in Exhibit "12", OPA 107 to the Municipality of Clarington Official Plan, Map A1, Land Use, West Clarington North Rural Area
 (Source: PSD-060-2016, Municipality Of Clarington, October 2016)

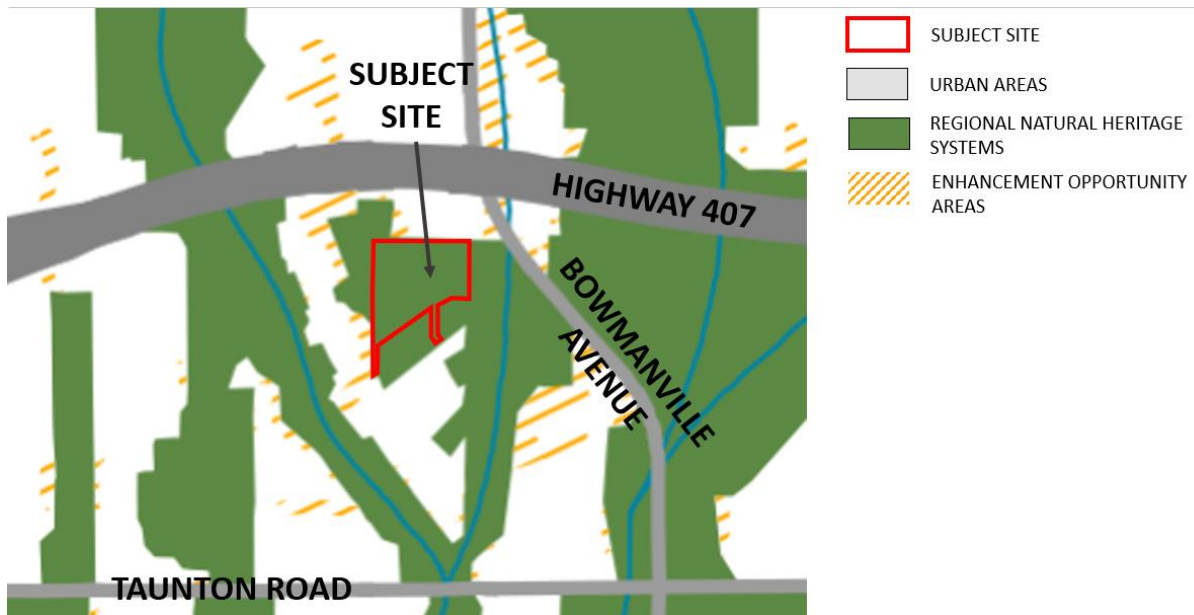


Figure 5: New Durham Regional Official Plan (2023): Map 2a – Regional Natural Heritage System

(Source: Durham Region, May 17, 2023)



Figure 6: Subject Site in Schedule 'B', Map 'B1e', of the Durham Official Plan (2020)

(Source: Durham Region, 2020)

ATTACHMENT 1

October 28, 2016

The Honourable Bill Mauro
Land Use Planning Review
Ministry of Municipal Affairs
Ontario Growth Secretariat
777 Bay Street, Suite 425 (4th Floor)
Toronto, ON M5G 2E5

Dear Minister Mauro

**Re: Co-ordinated Land Use Planning Review
Hamlet of Hampton – Certain lands owned by 562503 Ontario Limited and Honey
Harbour Heights Estates Ltd.
Part of Lot 17, Concession 5, in the former Township of Darlington, Clarington**

CM Planning Inc. is the planning consultant for 562503 Ontario Limited and Honey Harbour Heights Estates Ltd. ('Fourteen Estates'), the owners of property (the 'Property') located north of Ormiston Street, adjacent to the Hamlet of Hampton, in the Municipality of Clarington. The Property is currently identified through Clarington's municipal official plan conformity exercise in the Clarington draft Official Plan as lands subject to a minor rounding out of the hamlet boundary. Please refer to Attachment 1 which shows the location of the Property and the extent of the proposed rounding out.

At its Planning and Development Committee meeting on October 24, 2016, the Municipality of Clarington considered Official Plan Amendment No. 107 to implement the Clarington Official Plan Review to bring the Official Plan into conformity with the Growth Plan, the Greenbelt Plan and the Durham Official Plan. Clarington is proposing a minor rounding out of six hamlets including the Hamlet of Hampton.

Proposed Greenbelt Plan and Growth Plan 2016

The removal of policy 3.4.3.2 of the Greenbelt Plan (allowing for the minor rounding out of hamlets) and the restriction of policy 2.2.8.2.m) in the proposed Growth Plan (limiting settlement area boundary expansions to Towns or Villages), results in the containment of all hamlets to their existing boundaries. This does not serve rural populations within municipalities whose options for rural housing type and location in the countryside are severely restricted. There is a vast difference between directing growth to urban centres and eliminating any option for accommodating any limited growth in hamlets. This one-size-fits-all policy framework for the entire Greater Golden Horseshoe may work for more urban centres but does not work for rural communities over the life of the Provincial plans.

Policy 3.4.3.2 of the Greenbelt Plan 2005 allows for the minor rounding out of Hamlet boundaries at the time of municipal conformity. This policy has been acted on by various municipalities

CM PLANNING INC.

 DEVELOPMENT CONSULTING

across the Greater Golden Horseshoe, including the Municipality of Clarington. In many instances the conformity process is either underway but not yet finalized or subject to deferrals.

With the removal of policy 3.4.3.2 of the Greenbelt Plan 2005 and the restriction of policy 2.2.8.2.m) of the proposed Growth Plan, the status of the rounding out of hamlets in various stages of approval is now uncertain.

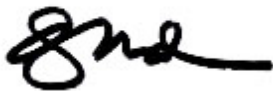
Furthermore, transition provisions are required to protect municipalities who are midway through implementing policies of the Greenbelt Plan 2005 and property owners who have made investment decisions based on existing Provincial policy.

As such, we request that the policy permitting the minor rounding out of hamlet boundaries be reinstated in the proposed Greenbelt Plan or proposed Growth Plan. Further, we request that the policy not be restricted to being permitted only at the time of municipal conformity, but at the time of a municipal comprehensive review.

Alternatively, we request that transition provisions be added to allow for the continued consideration of the minor rounding out of hamlets where a municipality had initiated the consideration of a minor rounding out under the Greenbelt Plan 2005 prior to the date the proposed changes to the plans come into effect.

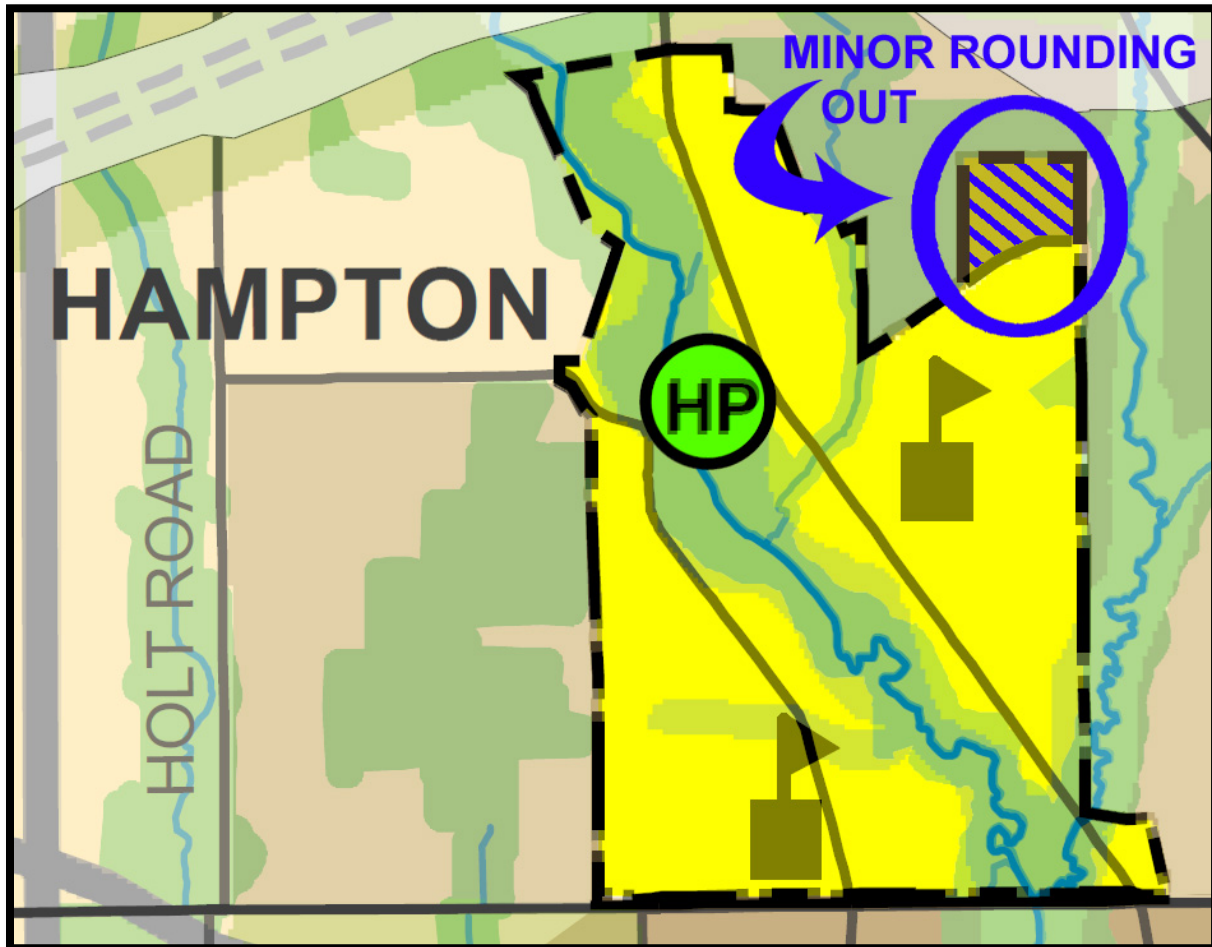
Thank you for your consideration of this matter. Please contact us should further information be required.

Yours truly
CM PLANNING INC.



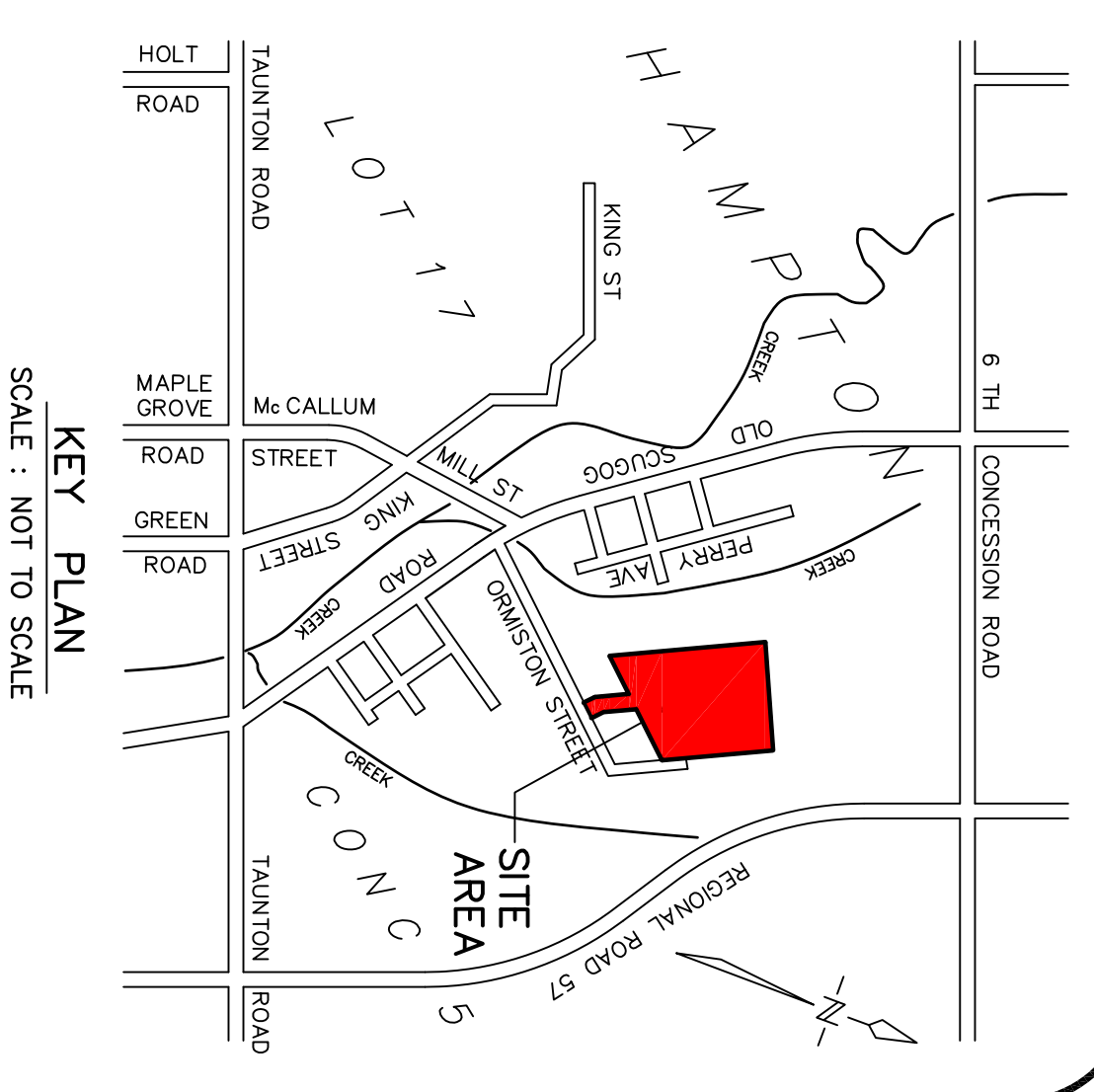
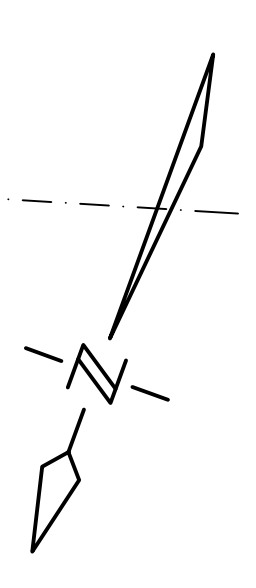
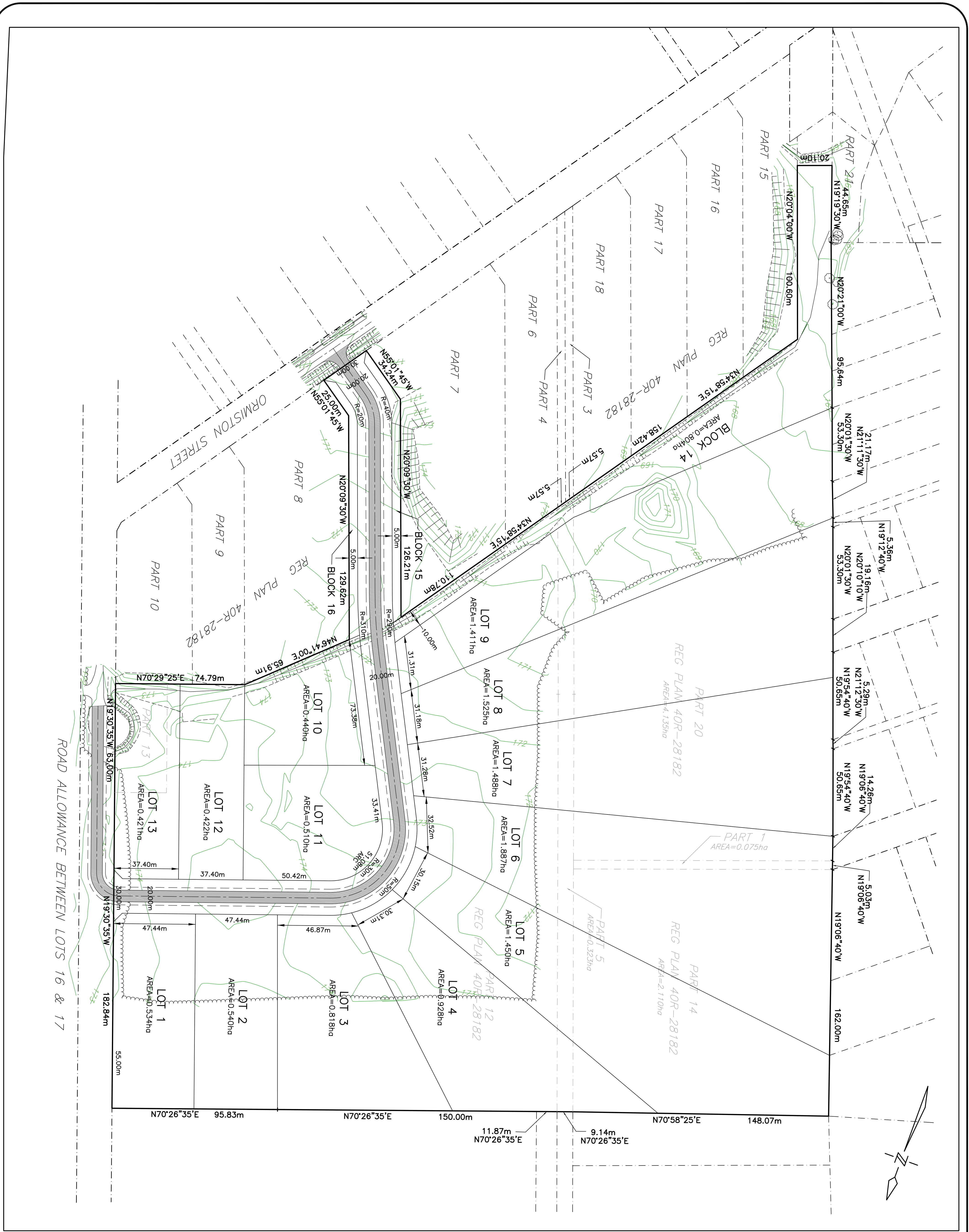
Carolyn Molinari

cc Rick Rondeau, Fourteen Estates



Location Map of Property – Subject to Proposed Hamlet Rounding Out
Base map: Municipality of Clarington Official Plan Map A1 with draft Official Plan 2016 Map A1 overlay

ATTACHMENT 2



KEY PLAN
SCALE: NOT TO SCALE

LAND USE SCHEDULE	LOT/BLK #	# OF LOTS/BLKS	# OF AREA UNITS (ha)
PROPOSED USE			
LOW DENSITY RESIDENTIAL	LOT 1	1	0.534
	LOT 2	1	0.818
	LOT 3	1	0.928
	LOT 4	1	1.450
	LOT 5	1	1.488
	LOT 6	1	1.525
	LOT 7	1	1.411
	LOT 8	1	0.440
	LOT 9	1	0.292
	LOT 10	1	0.421
	LOT 11	1	0.421
	LOT 12	1	0.421
	LOT 13	1	0.421
TOTAL		13	12.374
NON RESIDENTIAL			
STORM DRAINAGE	BLOCK 14	1	0.804
OTHER LANDS	BLOCK 15, 16	2	0.157
ROAD ALLOWANCE			0.932
TOTALS		16	14.267

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 OF THE PLANNING ACT

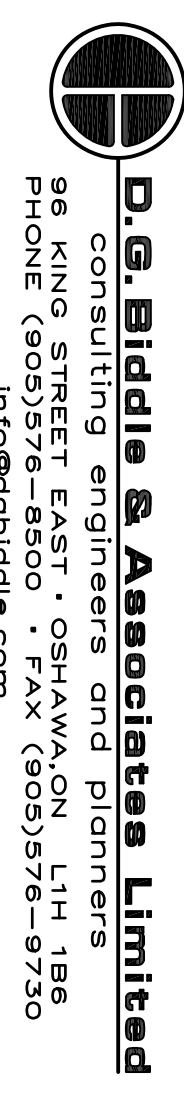
- F NORTH - OPEN SPACE
- SOUTH - ESTATE RESIDENTIAL
- EAST - ESTATE RESIDENTIAL
- WEST - RESIDENTIAL/OPEN SPACE
- H - PRIVATE WELL
- I - TILL
- K - PRIVATE SEPTIC DISPOSAL

OWNER'S AUTHORIZATION	SURVEYOR'S CERTIFICATE
<p>LAND OWNER</p> <p>D.G. BIDDLE AND ASSOC. LTD.</p> <p>TO PREPARE AND SUBMIT A DRAFT PLAN TO THE SURVEYOR FOR APPROVAL.</p>	<p>I HEREBY CERTIFY THAT THE BOUNDARY OF THE LOTS TO BE SUBDIVIDED SHOWN ON THIS PLAN IS ACCURATE AND CORRECTLY SHOWN TO PREPARE AND SUBMIT A DRAFT PLAN TO THE SURVEYOR FOR APPROVAL.</p> <p>SIGNED: _____</p> <p>DATE: _____</p>

NO.	REVISION	DATE	BY	APPROVED

PROPOSED DRAFT PLAN

PART 12 & 13 OF REGISTERED PLAN 40R-28182 FORMERLY IN THE TOWNSHIP OF DARLINGTON NOW IN THE MUNICIPALITY OF CLARINGTON REGIONAL MUNICIPALITY OF DURHAM



SCALE: 1:1000	118039
DRAWN BY: B.B.	DP-1
DESIGN BY: B.B./M.B.C.	
CHECKED BY: M.B.C.	
PLOT DATE: 29/10/2018	

ATTACHMENT 3

680500 680600 680700 680800 680900 681000 681100 681200

4871900

4871800

4871700

4871600









4871500

4871400

4871300



Hampton EIS Update
Proposed Subdivision Development
 Part of Lot 17, Concession 5,
 Municipality of Clarington, Durham Region

-  Approximate Site Boundary
-  Environmental Setback*
-  Dripline
-  Dripline Buffer (10 m)
-  Wetland (Unevaluated) (LIO)
-  Wetland (ORE)
-  Wetland Buffer (30m)
-  Butternut Category 1 (non-retainable)

Scale: 1:4,000



Notes: Base maps provided by Land Information Ontario and Natural Resources Canada (2022).

Feature locations determined using mapping-grade differential Global Positioning System (dGPS +/- 0.8m)

Imagery provided by ESRI (2023)

*Environmental setback includes 30 m setback from LIO wetland boundaries, 30 m setback from ORE wetland boundary and 10 m setback from the dripline of the trees.

TITLE

Constraints



PROJECT #

09-1311

FIGURE NO.

N/A

DATE

March 2023

NAD 1983 UTM Zone 17N

ATTACHMENT 4

LETTER OF OPINION

Hampton Estates

72 Ormiston Street

Part of Lot 17

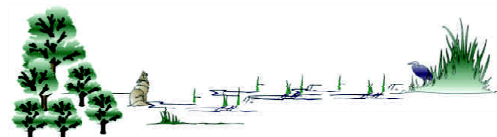
Concession 5

Formerly in the Township of Darlington

Now in the Municipality of Clarington

Regional Municipality of Durham

August 2023



Cunningham Environmental Associates

August 11, 2023

File No. 2311
mirco@fourteenstates.com

Hampton Estates
c/o Mr. Mirco Piccinato
Senior Project Manager
Fourteen Estates Ltd.
513 Westney Road South, Unit 4
Ajax, ON L1S 6W8

Re: Letter of Opinion - Hampton Estates, 72 Ormiston Street, Part of Lot 17, Concession 5, Formerly in the Township of Darlington, Now in the Municipality of Clarington, Region Municipality of Durham: Our File 2311

Dear Mr. Piccinato:

1.0 INTRODUCTION

Cunningham Environmental Associates (CEA) was retained on February 15, 2023 by Fourteen Estates Ltd. to provide a “Letter of Opinion” pertaining to the cultural and natural features (e.g., fallow agricultural, mixed meadow, deciduous woodland, coniferous plantation, coniferous thicket, deciduous hedgerow, mixed forest, treed swamp, and deciduous shrub thicket presently existing on a vacant parcel of land (“Subject Property”). In addition, CEA is to provide an opinion as to the feasibility of developing the land for rural residential uses.

The Subject Property is located at the municipal address of 72 Ormiston Street on Part Lot 17, Concession 5, in the Municipality of Clarington. **Appendix A** contains the Curriculum Vitae which outlines our relevant academic, professional qualifications, similar projects and work experience.

The Subject Property consists of 14.3 hectares - ha (35.3 acres - ac) and is situated north of Ormiston Street, east of Old Scugog Road with approximately 30m of frontage onto Ormiston Street in the hamlet boundary and approximately 40m of frontage on the northern leg of Ormiston Street, where it terminates in a cul-de-sac (**Figure 1**). The Subject Property is vacant of buildings and structures and contains ATV (all-terrain vehicle) trails throughout the cultural and natural features.

Planning and land use details are provided in The Biglieri Group (2023) letter. As described, the Subject Property lies outside of the Hampton *Hamlet* and is currently designated as Prime Agricultural Area in the Durham Regional Official Plan (2020). Other overlays include Key Natural Heritage and Hydrologic Features. The Municipality of Clarington Zoning By-law 84-63 shows the woodland/wetland features as Environmental Protection (EP) Zone and the fallow agricultural block as Agriculture (A) Zone.

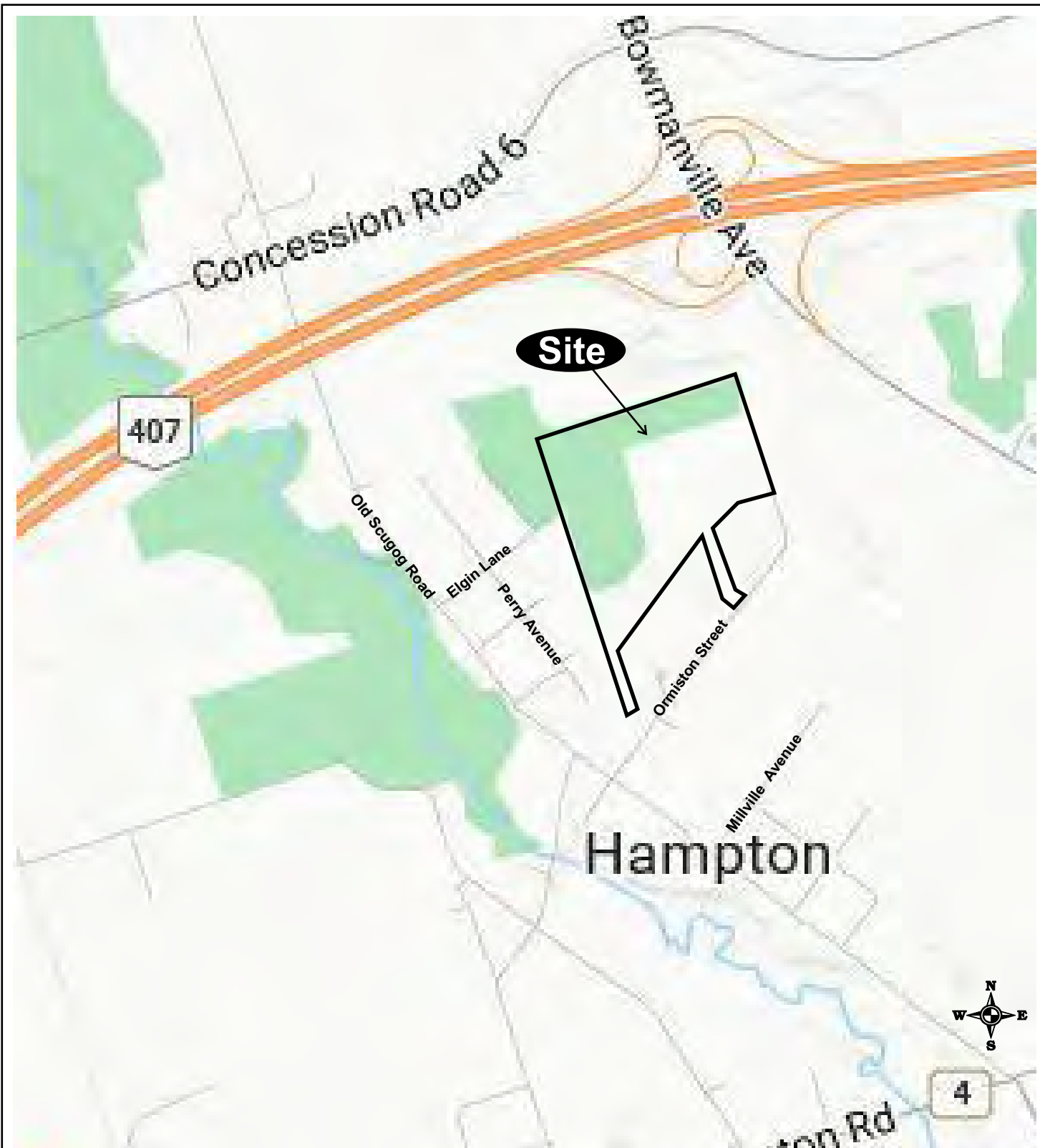


Figure 1. Study Property Location

Scale 1:NTS

Hampton Estates

72 Ormiston Street
 Part of Lot 17, Concession 5
 Formerly in the Township of Darlington
 Now in the Municipality of Clarington,
 Regional Municipality of Durham



Subject Property Boundary



Based on the Greenbelt Plan 2017 (Ministry of Municipal Affairs 2017) and land use mapping, the Subject Property is designated a combination of Environmental Protection (Core Area – forest, conifer plantation and unevaluated wetland), along with Protected Countryside (fallow agricultural).

The majority of the property is also regulated under Central Lake Ontario Conservation Authority – CLOCA Ontario Regulation 42/06 (Province of Ontario 2006).

The purpose of the Letter of Opinion is to document and assess the cultural and natural features within the Subject Property, based on a single site visit conducted on April 20, 2023, in combination with data garnered from digital sources. Based on the results, CEA is to provide an opinion as to the appropriateness from a natural environment perspective of proposed residential development on the Subject Property. A Proposed Development Concept Plan 1 consisting of 14 single residential lots has been provided to CEA (D. G. Biddle & Associates Limited 2022).

Should the Subject Property be included (“rounding out”) within the Hamlet of Hampton designation through planning application approvals, additional natural environment studies (e.g., Natural Heritage Evaluation – NHE) will be required. The content and format of the NHE will be determined through discussions with CLOCA and/or Clarington. All data, analyses and findings gathered for this Letter of Opinion can be assimilated into an NHE for future residential development.

The results of the study methods, digital background review, general findings, opinion and conclusions are documented in the following sections.

2.0 STUDY METHODS

The general methods used to identify, map, characterize and evaluate the on-site natural features (e.g., woodlands) included: a review of natural environment digital data (e.g., planning designations, technical reports, maps, figures, species lists) germane to the Subject Property and adjacent lands; and a site reconnaissance and inventory conducted on April 20, 2023.

2.1 Background Documents Review

The following file documents were provided to CEA from Fourteen Estates Ltd.

- Draft Letter dated March 28, 2023 to Brian Bridgeman (Commissioner of Planning and Economic Development) Regional Municipality of Durham (The Biglieri Group 2023);
- Memorandum dated October 3, 2022 to Brian Bridgeman (The Biglieri Group 2022)
- Planning Justification Report – Minor Rounding Out of Hamlet of Boundary – Hamlet of Hampton, Municipality of Clarington (CM Planning Inc. 2018); and
- Proposed Development Concept Plan Part of Lot 17, Concession 5 Municipality of Clarington, Regional Municipality of Durham (D. G. Biddle & Associates Limited 2022)

In addition to the above, the following digital data sources were reviewed to-date to provide an understanding of the types, character, structure, composition and quality of the on-site and abutting cultural and natural features.

- Google Earth Pro coloured orthophotography (December 2005, September 2007, August 2009, May 2015, July 2015, May 2016, July 2016, August 2016, October 2016, April 2017, September

2017, October 2017, May 2018, October 2020, May 2021, October 2021, October 2022, and May 2023);

- Durham Region coloured orthophotography (October 5 2018, 2021);
- Durham Region Official Plan Office Consolidation (Regional Municipality of Durham 2020);
- Municipality of Clarington Official Plan (Municipality of Clarington 2018);
- Municipality of Clarington Zoning By-law 84-63 (The Corporation of the Town of Newcastle 2015);
- Central Lake Ontario Conservation Authority – CLOCA Ontario Regulation 42/06 (Province of Ontario 2006);
- CLOCA Generic Ontario Regulations Map 42/06 (crop of Hampton Estates property);
- Ministry of Natural Resources and Forestry Make-a-Map (MNR 2023)
- Natural Heritage Information Centre -NHIC Element Occurrence Records (NHIC 2023);
- Ontario Breeding Bird Atlas (Birds Studies Canada 2023); and,
- Land Information Ontario GeoHub (Ontario GeoHub 2023)

2.2 Site Reconnaissance and Inventory

A site reconnaissance and flora/fauna inventory was undertaken on April 20, 2023 (12°C, partially cloudy, windy with gusts up to 37 km/h, no rain). The site visit included delineating and mapping the extent and types of the cultural and natural features, along with abutting features and land uses. The features were mapped on Durham Region 2021 coloured orthophoto, with the features boundaries delineated through aerial photograph interpretation and ground-truthing. Given the time of season, only incidental observations of wildlife were recorded, and a catalogue of representative photographs was compiled.

All vegetation features were characterized following the protocols and terminology of the Ecological Land Classification (ELC) system of the MNR, entitled “**Southern Ontario Ecological Land Classification – Vegetation Type List**” (Lee 2008). This protocol is a revision and update of the “**Ecological Land Classification for Southern Ontario – First Approximation and Its Application**” (Lee *et al.* 1998). In addition to the ELC system, additional characterization and potential rarity of the on-site vegetation communities was aided through a review of the Natural Heritage Resources of Ontario: Vegetation Communities of Southern Ontario (Bakowsky 1997).

The classification of the general vegetation communities were characterized according to species composition and physiognomic characteristics. The nomenclature for the flora observed is consistent with and relied on the following authorities:

- Lycopodiaceae to Aspleniaceae Cody, W. J., and D. F. Britton. 1989. **Fern and Fern Allies of Canada.** Publication 1829/E, Agriculture Canada, Research Branch, Ottawa.
- Taxaceae to Orchidaceae – Voss, E. G. 1972. **Michigan Flora. Part 1: Gymnosperms and Monocots.** Cranbrook Institute of Science and University of Michigan Herbarium. Bulletin 55.
- Saururaceae to Cornaceae – Voss, E. G. 1985. **Michigan Flora. Part 2: Dicots.** Cranbrook Institute of Science and University of Michigan Herbarium. Bulletin 59.
- Pyrolaceae to Compositae – Voss, E. G. 1996. **Michigan Flora. Part 3: Dicots.** Cranbrook Institute of Science and University of Michigan Herbarium. Bulletin 61.

- Newmaster, S. G., A. Lehela, P. W. C. Uhlig, S. McMurray, M. J. Oldham, and Ontario Forest Research Institute. 1998. **Ontario Plant List**. FRI Paper No. 123.
- Bradley, D. J. 2013. **Southern Ontario Vascular Plant Species List**. 3rd Edition. Science & Information Branch Southern Science and Information Section. Ontario Ministry of Natural Resources, Peterborough, Ontario. SIB SSI SR-03, 78 p.

The rarity or significance for vegetation communities and vascular plants (floristics) on the subject lands was determined from standard status lists, published literature and the NHIC dataquery web-site (NHIC 2023). Sources for flora included Bakowsky (1997), Environment Canada (2023), COSEWIC (2023), Province of Ontario (2007), MNRF (2023), Leslie (2018), Oldham and Brinker (2009), Varga *et al.* (2004), and Riley *et al.* (1989). Rare plant species (Species At Risk in Ontario – SARO) included those listed and regulated under the Federal **Species At Risk Act, 2002** and the Province of Ontario **Endangered Species Act, 2007**, as amended. The determination for plant species rarity consisted of a straightforward comparison of the plant species recorded on-site with those listed in these source references.

Given the time of season, only incidental observations of wildlife and wildlife habitat were recorded during the site visit. No dawn breeding bird surveys, evening amphibian call counts or nocturnal birds surveys were undertaken, or warranted. Incidental wildlife observations included direct sightings, calls, scats, nests, browse, push-ups, tracks and browse. No fish habitat or biomass surveys were undertaken, given the lack of surface watercourses or ponds on-site.

Standard lists and published literature used to determine the status or rarity of fauna included Environment Canada (2023), COSEWIC (2023), Province of Ontario (2007), MNRF (2023), Austen *et al.* (1994), Bird Studies Canada *et al.* (2006), Dobbyn (1994) and Cadman *et al.* (2007). The determination for wildlife species rarity consisted of a straightforward comparison of property and abutting land wildlife species recorded, with those listed in these source references.

3.0 GENERAL FINDINGS

3.1 Land Uses

Access to the property is off of the north side of Ormiston Street, along a 22.0 m wide block (**Photograph 1**), as shown on **Figure 2**, a Proposed Development Concept Plan 1 (D. G. Biddle & Associates Limited, 2022).

Adjacent land uses to the south include as-built and under construction estate residential lots fronting on the north side of Ormiston Street (**Photographs 2 and 3**). There are as-built single-family lots on the south side of Ormiston Street, along with the Hampton Junior Public School. An existing as-built single-family lot and M.L. Sports Club lies on the east side of the northern leg of Ormiston Street (**Photograph 4**). To the west lies an as-built subdivision, comprised of single-family houses (**Photographs 5 and 6**). To the north lies Highway 407 and ancillary Ministry of Transportation (MTO) lands (**Photograph 7**). **Figure 3** shows the location of the Subject Property in relation to adjacent lands uses – a regional context.

3.2 Natural Environment Designations

Based on aerial photography interpretation and confirmed through ground-truthing, the cultural features on the Subject Property include a: Naturalized Deciduous Hedge-row (FODM11) dominated by Manitoba maple; a block of fallow agricultural land - Annual Row Crops (OAG1) dominated by weeds,



Photograph 1. Southward view towards 22.0 m wide block, access to the subject property (72 Ormiston Street) from the north side of the street



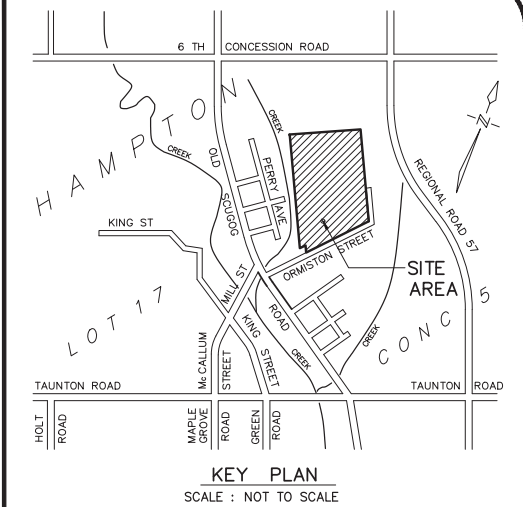
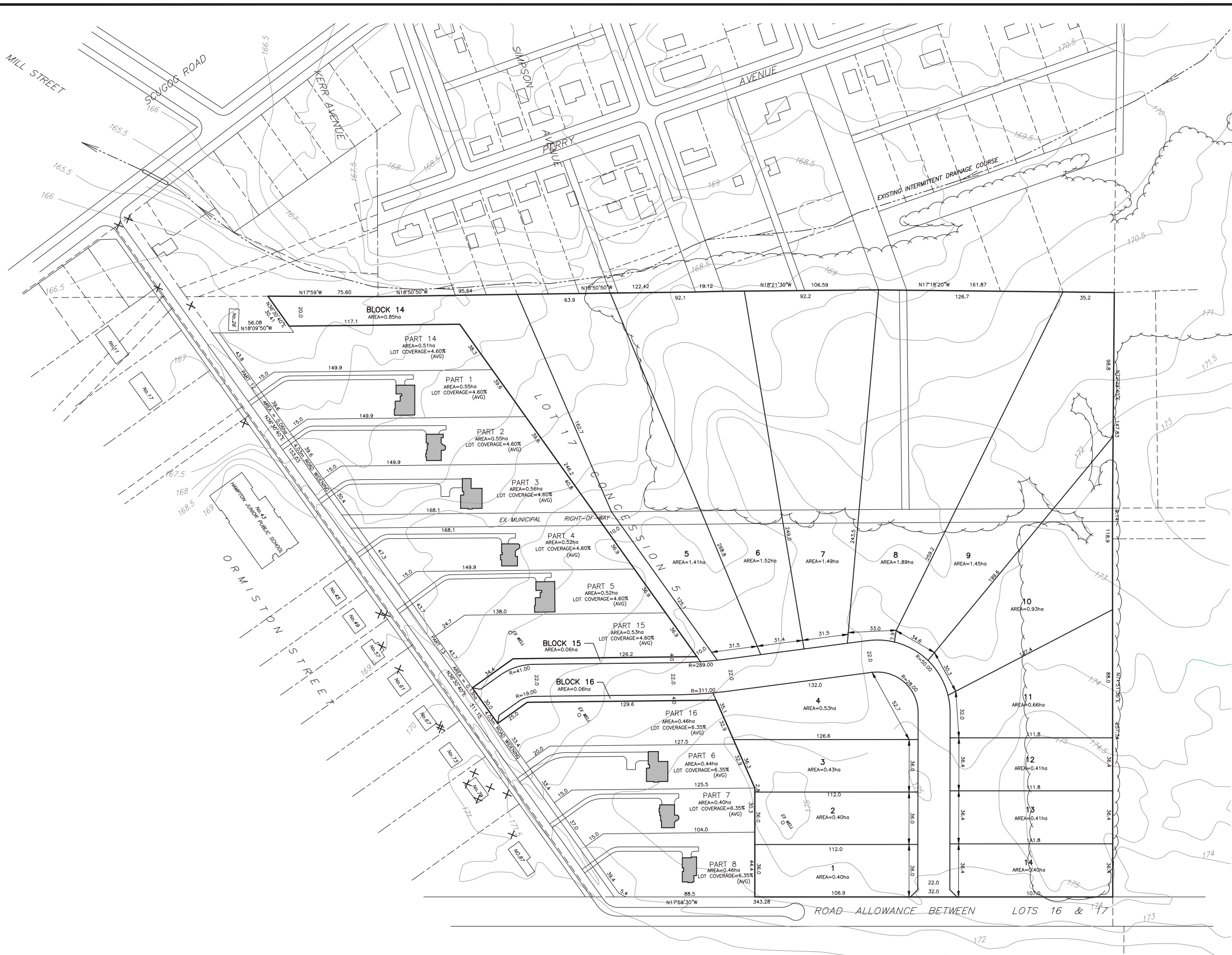
Photograph 2. Southward view of an existing estate lot under construction, along north side of Ormiston Street, abutting the south side of the subject property



Photograph 3. Southward view of approved as-built estate lots on the north side of Ormiston Street, abutting the south side of the subject property



Photograph 4. View of an existing as-built residential lot and M. L. Sports Club on the east side of the northern leg of Ormiston Street



LAND USE SCHEDULE

PROPOSED USE	LOT/BLK #	# OF LOTS/BLKS	# OF UNITS	AREA (ha)

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 OF THE PLANNING ACT

FIGURE 2. CONCEPT PLAN

OWNER'S AUTHORIZATION	SURVEYOR'S CERTIFICATE
I/WE BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE D.G.BIDDLE AND ASSOC. LTD. TO PREPARE AND SUBMIT A DRAFT PLAN OF SUBDIVISION FOR APPROVAL SIGNED _____ TITLE _____ DATE _____	I HEREBY CERTIFY THAT THE BOUNDARY OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ONTARIO LAND SURVEYORS SIGNED _____ O.L.S. _____ DATE _____

No.	REVISION	DATE	BY	APPROVED

PROPOSED DEVELOPMENT CONCEPT PLAN I
 PART OF LOT 17, CONCESSION 5
 FORMERLY IN THE TOWNSHIP OF DARLINGTON
 NOW IN THE MUNICIPALITY OF CLARINGTON
 REGIONAL MUNICIPALITY OF DURHAM

D.G. Biddle & Associates Limited
 consulting engineers and planners
 96 KING STREET EAST • OSHAWA, ON L1H 1B6
 PHONE (905) 576-8500 • FAX (905) 576-9730
 info@dgbiddle.com

SCALE:	1:1250	103033
DRAWN BY:	M.H.	CP-1
DESIGN BY:	W.G.C.	
CHECKED BY:	P.D.C.	
PLOT DATE:	APRIL 2022	

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Photograph 5. West view of the back of as-built residential lots off-site in a subdivision on Perry Avenue, along with off-site swale/creek with intermittent to permanent flows



Photograph 6. View of a single-family as-built lot on the east side of Perry Avenue, part of an as-built subdivision



Photograph 7. Northward view of MTO Highway 407 lands, north of Subject Property fenceline abutting the red pine/white pine coniferous plantations



Photograph 8. Northward view of deciduous hedge-row FODM11, along east edge of Subject Property, dominated by Manitoba maples, along with dead/dying white ash, white elm and a variety of deciduous shrubs

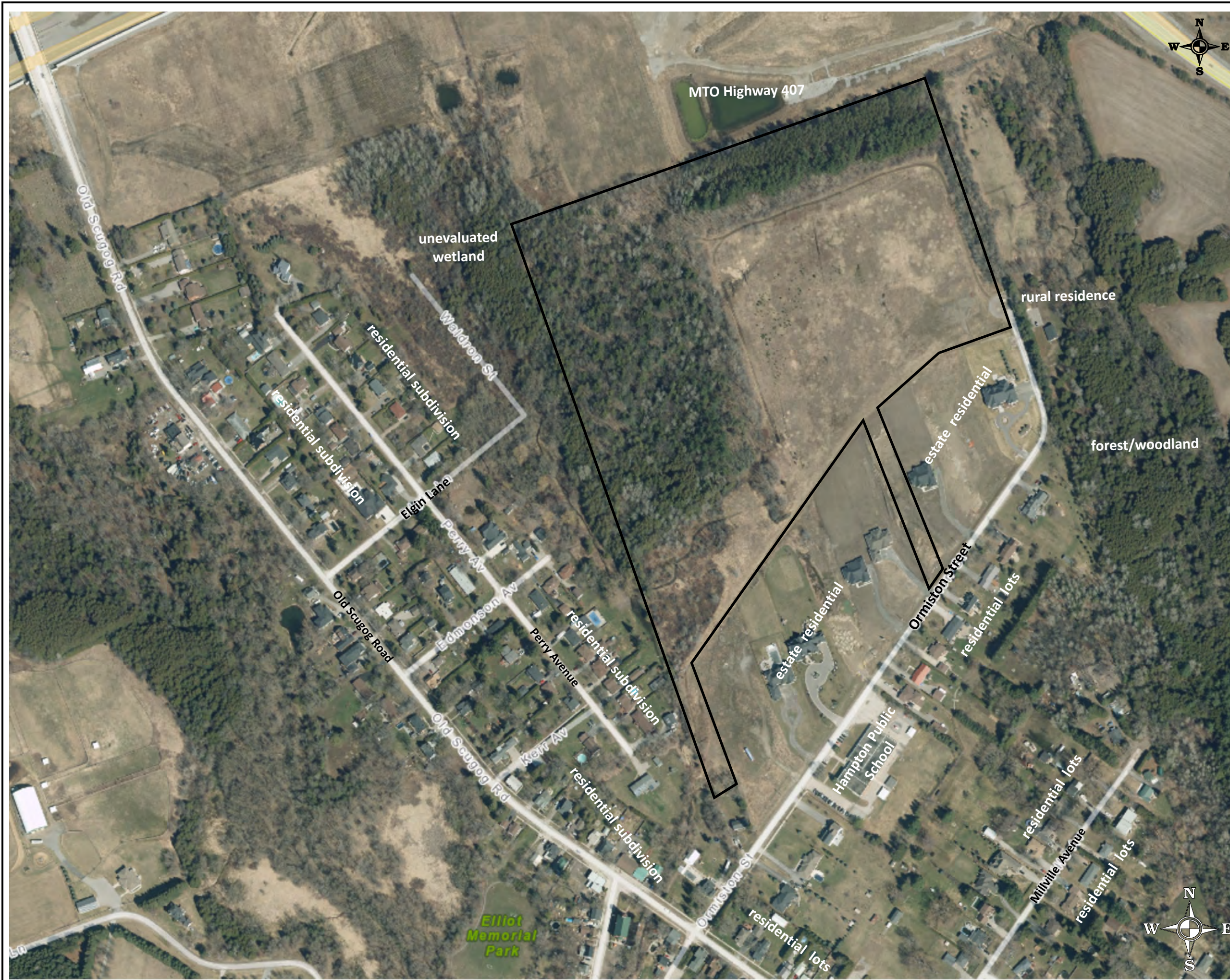
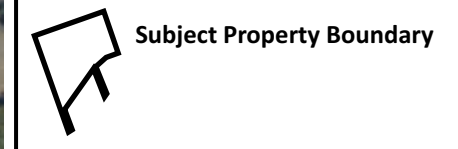


Figure 3. Local Context

Hampton Estates

72 Ormiston Street
 Part of Lot 17, Concession 5
 Formerly in the Township of Darlington
 Now in the Municipality of Clarington,
 Regional Municipality of Durham



<https://earth.google.com/web/>
 Scale 1:3700 (approx.)



grasses and herbaceous forbs; and a small linear stand dominated by early to mid-successional sugar maple, characterized as Sugar Maple Deciduous Woodland (WODM4-3).

Based on the same aerial photography interpretation and confirmed through ground-truthing, the natural features on the Subject Property include a: block of conifer plantation along abutting the north edge of OAG1, comprised of Dry-Fresh Red Pine Naturalized Coniferous Plantation (FOCM6-2) and Dry-Fresh White Pine Naturalized Coniferous Plantation (FOCM6-1); a thin strip of young pole-sized poplars is situated between OAG1 and the Red Pine & White Pine coniferous plantation, comprised of Dry-Fresh Poplar Deciduous Forest (FODM3-1) and Fresh-Moist Poplar Deciduous Forest (FODM8-1); Dry-Fresh White Cedar-Hardwood Mixed Forest (FOMM4-3); Red-osier Dogwood Deciduous Shrub Thicket (THDM-12) and Mixed Willow Deciduous Shrub Thicket (THDM2-13); White Cedar-Hardwood Organic Mixed Swamp (SWMO1-1); and Red-osier Dogwood Mineral Deciduous Thicket Swamp (SWTM2-1) in combination with Mixed Willow Mineral Deciduous Thicket Swamp (SWTM3-6).

Appendix B contains figures derived from various digital sources that show current designations or layers of features, as well as potential NHIC SRank species known to occur in the area of the Subject Property. Sources include the Google Earth Pro coloured orthophotography (GEP 2005-2021), Durham Region coloured orthophotography (2018, 2021), Land Information Ontario GeoHub (Ontario GeoHub 2023), MNRF Make-a-Map (MNRF 2023), Durham Region Official Plan (Regional Municipality of Durham Region 2020), Municipality of Clarington Official Plan (Municipality of Clarington 2018), Central Lake Ontario Conservation Authority (Province of Ontario 2006), and Natural Heritage Information Centre (NHIC 2023).

The following sub-sections provide summaries of the various cultural (agricultural, hedge-row, woodland) and natural environmental features (e.g., woodlands, wetlands, shrub thicket) that lie within the Subject Property. **Figure 4** in conjunction with the photographic record provides a visual perspective of the on-site and adjacent land uses, cultural and natural heritage features.

3.3 Terrestrial Features

As previously stated, the Subject Property is located at the municipal address of 72 Ormiston Street. The legal description is Part of Lot 17, Concession 5, Formerly in the Township of Darlington, Now in the Municipality of Clarington, Region Municipality of Durham. The forested and treed swamp stands (FOMM4-3, FODM3-1, FODM8-1, SWMO1-1) and the conifer plantations (FOCM6-2, FOCM6-1) lie within the Greenbelt (Ministry of Municipal Affairs 2017), and their designated land use is Environmental Protection (Core Area). The agricultural block (OAGA1) other prereferral cultural and natural features lies within Greenbelt Protected Countryside. There are no watercourses, streams, creeks or ponds on the Subject Property.

Cultural Features

Naturalized Deciduous Hedge-row (FODM11)


This cultural feature consists of a natural deciduous hedgerow situated along part of the eastern property boundary and is dominated by Manitoba maple (*Acer negundo*). Other woody vegetation includes white ash (*Fraxinus americana*) - (mostly dead/dying), white elm (*Ulmus americana*), red-osier dogwood (*Cornus stolonifera*), choke cherry (*Prunus virginiana*), tartarian honeysuckle (*Lonicera tatarica*), common buckthorn (*Rhamnus cathartica*), common apple (*Malus domestica*) and European



Figure 4. Vegetation Communities (ELCs)

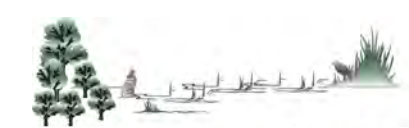
Hampton Estates

72 Ormiston Street
 Part of Lot 17, Concession 5
 Formerly in the Township of Darlington
 Now in the Municipality of Clarington,
 Regional Municipality of Durham

 **Subject Property Boundary**

-  **FODM11** Naturalized Deciduous Hedge-row
-  **OAG1** Annual Row Crops
-  **WODM4-3** Sugar Maple Deciduous Woodland
-  **FOCM6-2** Dry-Fresh Red Pine Naturalized Coniferous Plantation
-  **FOCM6-1** Dry-Fresh White Pine Naturalized Coniferous Plantation
-  **FODM3-1** Dry-Fresh Poplar Deciduous Forest
-  **FODM8-1** Fresh-Moist Poplar Deciduous Forest
-  **FOMM4-3** Dry-Fresh White Cedar - Hardwood Mixed Forest
-  **THDM2-12** Red-osier Dogwood Deciduous Shrub Thicket
-  **THDM2-13** Mixed Willow Deciduous Shrub Thicket
-  **SWMO1-1** White Cedar - Hardwood Organic Mixed Swamp
-  **SWTM2-1** Red-osier Dogwood Mineral Deciduous Shrub Swamp
-  **SWTM3-6** Mixed Willow Mineral Deciduous Thicket Swamp

<https://earth.google.com/web/>
 Scale 1:3700 (approx.)



Cunningham Environmental Associates

crab-apple (*Malus sylvestris*). The groundcover is comprised of typical weeds, grasses and herbaceous forbs (**Photographs 8 and 9**).

It is to be noted that most of the white ash trees on the Subject Property are dead/dying due to an infestation of the emerald ash borer beetle (*Agilus planipennis*).

Annual Row Crops (OAG1)

The eastern half of the Subject Property is comprised of a block of fallow agricultural dominated by weeds, grasses and herbaceous forbs (**Photographs 10 and 11**). Typical groundcover species during April include the following:

<i>Phalaris arundinacea</i>	reed canary grass
<i>Phleum pratense</i>	timothy
<i>Pteridium aquilinum</i>	eastern bracken fern
<i>Tussilago farfara</i>	coltsfoot
<i>Taraxacum officinale</i>	common dandelion
<i>Trifolium pratense</i>	red clover
<i>Trifolium repens</i>	white clover
<i>Verbascum thapsus</i>	common mullein
<i>Solidago altissima</i>	tall goldenrod
<i>Solidago juncea</i>	early goldenrod
<i>Potentilla recta</i>	rough-leaved cinquefoil
<i>Erigeron annuus</i>	daisy fleabane
<i>Ranunculus acris</i>	common buttercup
<i>Sonchus arvensis</i>	sow-thistle
<i>Daucus carota</i>	wild carrot
<i>Plantago major</i>	common plantain
<i>Plantago lanceolata</i>	English plantain
<i>Vicia cracca</i>	cow vetch

This cultural feature also contains small inclusions of naturally regenerating Scots pine (*Pinus sylvestris*), red pine (*Pinus resinosa*) and white pine (*Pinus strobus*) (**Photograph 12**). There are well-defined ATV trails around the perimeter, which enter and exit the forest and conifer stands. This agricultural (fallow field) feature, at present, remains within the Protected Countryside Greenbelt land use designation.

Sugar Maple Deciduous Woodland (WODM4-3)

A small linear deciduous treed stand dominated by early to mid-successional sugar maple (*Acer saccharum*), which extends and is contiguous with the south edge of FOMM4-3 (**Photograph 13**). Other woody associates include Manitoba maple, red-osier dogwood, choke cherry, white birch (*Betula papyrifera*). The groundcover contains scattered weeds, grasses and herbaceous forbs. There is a well-defined ATV trail which traverses this feature in a north to south direction.

Terrestrial Natural Features

Dry-Fresh Red Pine Naturalized Coniferous Plantation (FOCM6-2) and Dry-Fresh White Pine Naturalized Coniferous Plantation (FOCM6-1)

Dominated by planted red pine and white pine, along with scattered Scots pine, and natural tree regeneration of trembling aspen (*Populus tremuloides*), white birch, black cherry (*Prunus serotina*), beech (*Fagus grandifolia*), sugar maple, eastern white cedar (*Thuja occidentalis*) and dead/dying white



Photograph 9. Southward view of west edge of FODM11, along east property boundary



Photograph 10. Southwest view of fallow agricultural block (OAG1, comprised mainly of weeds, grasses and herbaceous forbs)



Photograph 11. Westward view of fallow agricultural block (OAG1), dominated by weeds, grasses and herbaceous forbs, with small copies of naturally regenerating pine



Photograph 12. View of northwest edge of fallow agricultural block (OAG1), showing intrusion of naturally regenerating white pine, Scots pine, and red pine



Photograph 13. Northward view of small woodland stand dominated by early to mid-successional sugar maple, along with Manitoba maple, white birch and deciduous shrubs, with a bisecting ATV trail which extends north and west



Photograph 14. View inside a portion of FOCM6-2 red pine naturalized coniferous plantation, with associates of Scots pine, white birch, black cherry, trembling aspen, beech, sugar maple, white cedar and dead/dying white ash, at present part of the Greenbelt EP (Core Area) land use designation



Photograph 15. View of southern edge of white pine coniferous plantation (FOCM6-1), with deciduous woody associates as in FOCM6-2, deciduous shrubs and vines, and forest ferns, sedges, grasses and wildflowers - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 16. View of southern edge of part of poplar deciduous forest (FODM3-1) abutting FOCM6-1, dominated by trembling aspen, with a groundcover of weeds, grasses and herbaceous forbs as found in OAG1 - at present part of the Greenbelt EP (Core Area) land use designation

ash (**Photographs 14 and 15**). The shrub and vine stratum contains prickly gooseberry (*Ribes cynosbati*), tartarian honeysuckle, common buckthorn, choke cherry, poison ivy (*Rhus toxicodendron*), riverbank grape (*Vitis riparia*), and Virginia creeper (*Parthenocissus inserta*). There is a well-defined ATV trail which traverses this feature in an east to west direction. This forested (plantation) feature, at present, remains within the EP (Core Area) Greenbelt land use designation.

Groundcover species include herb-robert (*Geranium robertianum*), false Solomon's-seal (*Maianthemum racemosum*), red trillium (*Trillium erectum*), yellow trout-lily (*Erythronium americanum*), blue cohosh (*Caulophyllum thalictroides*), common dandelion, sensitive fern (*Onoclea sensibilis*), spinulose woodfern (*Dryopteris carthusiana*), large-leaved aster (*Eurybia macrophylla*), enchanters nightshade (*Circaea lutetiana*), Pennsylvania sedge (*Carex pensylvanica*), and downy yellow violet (*Viola pubescens*).

Dry-Fresh Poplar Deciduous Forest (FODM3-1) and Fresh-Moist Poplar Deciduous Forest (FODM8-1)

Bordering the north edge of OAG1 and the south edge of FOCM6-1 is a narrow linear band of early successional pole-sized trembling aspen, characterized as FODM3-1 (**Photographs 15 and 16**). This poplar bush grades further northwest with a contiguous stand of lowland poplars (FODM8-1) (**Photograph 17**).

Typical trees include trembling aspen, eastern white cedar, sugar maple, red maple (*Acer rubrum*), white birch, white elm, black cherry, balsam poplar (*Populus balsamifera*), and large-toothed aspen (*Populus grandidentata*). The shrub and vine stratum contain pussy willow (*Salix discolor*), common buckthorn, choke cherry, tartarian honeysuckle, Virginia creeper, and riverbank grape. The groundcover stratum consists of weeds, grasses, ferns and herbaceous forbs similar to those found in OAG1 and the edges of FOCM6-1.

Dry-Fresh White Cedar – Hardwood Mixed Forest (FOMM4-3)

A relatively large block of upland mixed forest lies along the western edge of Subject Property, and is dominated by eastern white cedar, red maple, along with dead/dying white ash (**Photographs 18, 19, 20 and 21**). Other woody trees associates include eastern hemlock (*Tsuga canadensis*), white spruce (*Picea glauca*), red pine, trembling aspen, balsam poplar, large-toothed aspen, ironwood (*Ostrya virginiana*), and beech (*Fagus grandifolia*). There is a well-defined ATV trail which traverses this feature in an north to south direction. This forested feature, at present, remains within the EP (Core Area) Greenbelt land use designation.

Shrub and vine stratum species include prickly gooseberry, choke cherry, maple-leaved viburnum (*Viburnum acerifolium*), tartarian honeysuckle, riverbank grape, Virginia creeper and hobblebush (*Viburnum lantanoides*).

Typical groundflora includes:

<i>Trillium erectum</i>	red trillium
<i>Caulophyllum thalictroides</i>	blue cohosh
<i>Geranium robertianum</i>	herb-robert
<i>Maianthemum racemosum</i>	false Solomon's seal
<i>Pyrola elliptica</i>	shinleaf
<i>Carex pensylvanica</i>	Pennsylvania sedge
<i>Trillium grandiflorum</i>	white trillium
<i>Dryopteris carthusiana</i>	spinulose woodfern



Photograph 17. View inside part of lowland poplar deciduous forest (FODM8-1), contiguous with FODM3-1, contains balsam poplar, trembling aspen, white elm, eastern white cedar, red maple and large-toothed aspen, at present part of the Greenbelt EP (Core Area) land use designation



Photograph 18. Bordering the left side of the Subject Property is a relatively large block of white cedar-hardwood mixed forest (FOMM4-3), dominated by white cedar, red maple, dead/dying white ash, eastern hemlock, poplars, red pine, ironwood and beech, with a well-defined N-S ATV trail



Photograph 19. View inside another portion of FOMM4-3, showing a well-defined eastern white cedar stratum, along with sugar maple, beech, white elm, black cherry and poplars - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 20. Northward view of a well-defined ATV trail, along eastern edge of FOMM4-3 - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 21. Southward view of a well-defined ATV trail, along eastern edge of FOMM4-3 - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 22. View of part of upland willow deciduous shrub thicket (THDM2-13) in southwest corner of the Subject Property



Photograph 23. View of part of upland red-osier dogwood deciduous shrub thicket (THDM2-12) in southwest corner of the Subject Property



Photograph 24. View inside part of white cedar-hardwood organic mixed swamp (SWM01-1), dominated by white cedar and yellow birch, along with white elm, white spruce, poplars, red maple, and scattered green ash and silver maple - at present part of the Greenbelt EP (Core Area) land use designation

<i>Cardamine diphylla</i>	broad-leaved toothwort
<i>Verbascum thapsus</i>	common mullein
<i>Onoclea sensibilis</i>	sensitive fern
<i>Erigeron annuus</i>	daisy fleabane
<i>Circaea lutetiana</i>	enchanters nightshade
<i>Solanum dulcamara</i>	deadly nightshade
<i>Lactuca biennis</i>	tall lettuce
<i>Erythronium americanum</i>	yellow trout-lily

Red-osier Dogwood Deciduous Shrub Thicket (THDM2-12) and Mixed Willow Deciduous Shrub Thicket (THDM2-13)

These upland thicket communities lie in the southwest corner of the Subject Property and abut (transition) into dogwood-willow thicket swamps SWTM2-1 and SWTM3-6 (**Photographs 22 and 23**). Dominant woody vegetation includes trembling aspen, red-osier dogwood, pussy willow, Missouri willow (*Salix eriocephala*) and other shrub willows (*Salix spp.*) The ground stratum contains similar species to those found in OAG1, namely weeds, grasses and herbaceous forbs. There is a well-defined (rutted) ATV trail which traverses part of this feature in an east to west direction.

Wetland Features

White Cedar – Hardwood Organic Mixed Swamp (SWM01-1)

The MNR Make-a-Map contained in **Appendix B** shows the boundary of unevaluated wetland on the Subject Property. Based on the April 20, 2023 site reconnaissance and inventory, the extent of this wetland feature (contiguous with and west of FOMM4-3) is smaller and lies greater than 30m from the eastern edge of FOMM4-3. This feature extends westward and is bordered on its west edge by as-built subdivisions. This wetland at present, remains within the EP (Core Area) Greenbelt land use designation.

This mixed treed swamp feature is dominated by eastern white cedar and yellow birch (*Betula alleghaniensis*). Other tree species spread in various densities include white elm, white spruce, balsam poplar, trembling aspen, red maple, scattered green ash (*Fraxinus pennsylvanica*), and silver maple (*Acer saccharinum*). The shrub and vine stratum contains maple-leaved viburnum, prickly gooseberry, riverbank grape, Virginia creeper, deadly nightshade, wild cucumber (*Echinocystis lobata*), and poison ivy (**Photographs 24, 25 and 26**). There is a transition zone between SWM01-1 and FOMM4-3, which contains similar trees common to both, as well as shrub, vine and groundcover species.

Red-osier Dogwood Mineral Deciduous Thicket Swamp (SWTM2-1) and Mixed Willow Mineral Deciduous Thicket Swamp (SWTM3-6)

Red-osier dogwood, trembling aspen and willow shrubs dominate this mixed thicket swamp, situated in the southwest corner of the Subject Property (**Photograph 27**). There is a well-defined (rutted) ATV trail which traverses this feature in an east to west direction and ends at the western property perimeter. At this junction, there is an off-side tributary/swale which contains a more or less north to south permanent flow (surface and groundwater inputs), with inherent littoral zone aquatic vegetation (**Photograph 28**).



Photograph 25. View inside SWM01-1, dominated by white cedar and yellow birch, with associates of white elm, white spruce, poplars, and red maple, with deep and shallow vernal troughs and pools - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 26. View inside SWM01-1, showing dense white cedar stratum, along with standing water in vernal pools - at present part of the Greenbelt EP (Core Area) land use designation



Photograph 27. In the southwest corner is a deciduous swamp thicket dominated by red-osier dogwood (SWTM2-1), along with mixed willows (SWTM3-6), with a well-defined (rutted) ATV trail, which traverses this wetland feature in an east to west direction



Photograph 28. View of north-south flowing swale/tributary, off-site in the southwest corner of the Subject Property, with inherent littoral zone aquatic vegetation of grasses and sedges

3.4 Wildlife and Wildlife Habitat

Based on incidental observations, the following wildlife species were noted on the Subject Property. Given the season, breeding evidence particularly for birds was not viable. Most are likely year-round residents and others early migrants.

Birds

Bird species observed include blue jay (*Cyanocitta cristata*), American crow (*Corvus brachyrhynchos*), American robin (*Turdus migratorius*), black-capped chickadee (*Poecile atricapillus*), mourning dove (*Zenaida macroura*), northern flicker (*Colaptes auratus*), house wren (*Troglodytes aedon*), northern cardinal (*Cardinalis cardinalis*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), song sparrow (*Melospiza melodia*), downy woodpecker (*Dryobates pubescens*), eastern kingbird (*Tyrannus tyrannus*), and white-breasted nuthatch (*Sitta carolinensis*). Woodpecker holes were found indicating past and present use by yellow-bellied sapsucker (*Sphyrapicus varius*) and pileated woodpecker (*Dryocopus pileatus*). Bird species flying overhead included Canada goose (*Branta canadensis*) and ring-billed gull (*Larus delawarensis*).

Mammals

Other incidental wildlife noted includes white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), coyote (*Canis latrans*), eastern chipmunk (*Tamias striatus*), American red squirrel (*Tamias hudsonicus*), and eastern gray squirrel (*Sciurus carolinensis*).

4.0 RESOURCE SIGNIFICANCE

A review of the digital background documents listed in **Section 2.1**, with some contained in **Appendix B**, indicates the following natural environment designations lie on the Subject Property. In the converse, there are other natural environment designations which do not apply to the Subject Property, or do not use the cultural or natural features contained therein.

4.1 Significant Species/Species At Risk (SAR)

The April 20 2023 site reconnaissance and flora/fauna inventory did not indicate the presence of any significant species (e.g., NHIC SRank S1, S2 or S3) or Species at Risk (SAR) as listed in the Ontario **Endangered Species Act, 2007**.

A review of the Natural Heritage Information Centre (NHIC) dataquery website, shows records of four (4) species lying within NHIC Square 17PJ8071 (1 km x 1km), which overlaps the Subject Property. The species include eastern wood-pewee (*Contopus virens*), eastern meadowlark (*Sturnella vulgaris*), bobolink (*Dolichonyx oryzivorus*), and snapping turtle (*Chelydra serpentina*). Eastern meadowlark and bobolink are currently listed as Threatened (THR) in the **ESA, 2007**. Both snapping turtle and eastern wood-pewee are listed as a species of Special Concern (SC) in the **ESA, 2007**.

Based on the site reconnaissance of April 20, 2023, there appears to be no breeding habitat for either eastern meadowlark or bobolink. There may be some breeding habitat for snapping turtle in SWMO1-1, however, that remains to be determined, as turtle surveys need to be conducted during June. There is abundant breeding, resting, feeding and cover habitat for eastern wood-pewee in FOMM4-3, FODM3-1, FODM8-1, FOCM6-2 and FOCM6-1.

4.2 Significant Woodland (SW)

As shown on Map D1 – Natural Environment of the Municipality of Clarington Official Plan (Municipality of Clarington 2018), both FOMM4-3, SWMO1-1, FOCM6-2 and FOCM6-1 all lie within the Natural Heritage System. These features have not been designated by the Region of Durham or the Municipality of Clarington as Significant Woodland (SW), as defined in the MRNF Natural Heritage Reference Manual (MNR 2010).

4.3 Significant Wildlife Habitat

Based on our review of digital data sources, none of the cultural or natural features on the Subject Property have been evaluated or designated as Significant Wildlife Habitat (SWH).

4.4 Other Designations

As mentioned previously, forest/woodlots FOMM4-3, SWMO1-1, FOCM6-2 and FOCM6-1 at present lie within an EP (Core Area) Greenbelt land use designation.

Also, in subsection White Cedar – Hardwood Organic Mixed Swamp (SWMO1-1) of **Section 3.3**, there is Unevaluated Wetland as shown on the NHIC Make-a-Map contained in **Appendix B**. as per the site visit, it was confirmed that this Unevaluated Wetland is not that extensive and in fact lies greater than 30m from the eastern edge of FOMM4-3. The boundary of this Unevaluated Wetland feature may need to be determined with Central Lake Ontario Conservation Authority (CLOCA) staff, if the Subject Property is included in the Hampton *Hamlet* boundary.

5.0 PROFESSIONAL OPINION & CONCLUDING REMARKS

The main purpose of this Letter of Opinion is in regards to the intent of the landowner (Fourteen Estates Inc.) through various planning applications to request that the Subject Property be included (a minor rounding out of the Hamlet boundary) within the Hampton *Hamlet* in the Draft Durham Regional Official Plan (“Draft ROP”). Including the Subject Property within the Hampton Hamlet also corresponds with the Municipality of Clarington’s intention to designate the Subject Property as *Hamlet* through OPA 107 and to be used for residential uses. Details regarding the landowner request are contained in the Draft Letter dated March 28, 2023 to Brian Bridgeman (Commissioner of Planning and Economic Development, Regional Municipality of Durham) (The Biglieri Group 2023).

In regards to the above, CEA provides the following professional opinion and concluding remarks regarding the cultural and natural features found on the Subject Property. The professional opinion is based on our experience garnered from our extensive work history, and supported by the results of the digital background data review obtained from various sources listed in **Section 2.1** and contained **Appendix B**. In addition, our opinion is further supported by the April 20, 2023 site reconnaissance and flora/fauna inventories, as described **Section 3.3**.

- Part of this Letter of Opinion is to ascertain the types, extent and quality of the cultural and natural features that lie on the Subject Property (14.3 ha), located at 72 Ormiston Road, in the Municipality of Clarington, Regional Municipality of Durham;
- Based on the findings, CEA is to provide the Owner with an opinion as to the feasibility of developing the Subject Property for rural residential uses, similar to the Proposed Development

Concept Plan (D. G. Biddle & Associates Limited), should the Hampton *Hamlet* boundary be extended;

- Based on our findings, CEA is of the opinion that the Subject Property is suitable in its current state to be developed for rural residential uses, namely estate lots as shown on the current Concept Plan or other similar iterations;
- **This opinion is based on site conditions as of April 20, 2023 and the implementation of various provisos (conditions) pertaining to the creation of lot lines into the presently designated Greenbelt EP (Core Area) features;**
- **The main proviso (condition) is that all development footprints (e.g., house, driveway, septic tile bed, well, and other accessory structure (e.g., sheds, gazebo, deck, pool in proposed Lots 5-14 lie outside of the Greenbelt EP (Core Area) features, a “not-touch zone”;**
- **Concomitant to the development footprint restriction, there will be a 5-10 m buffer/setback from the staked woodland driplines to be overlain onto the Concept Plan (Draft Plan);**
- **Only minimal filling and grading be allowed within the 5-10 m buffer/setback to facilitate back-of-lot drainage and matching grades;**
- **Given that proposed Lots 1-4 lie within existing fallow agricultural (Greenbelt Protected Countryside), no specific provisos at present are warranted;**
- It is recognized that various other technical reports and technical drawings will be required (e.g., hydrogeological, geotechnical, hydrology, archaeological, traffic, planning justification, environmental impact study – EIS, etc.) as determined through a Pre-consultation Meeting and discussions with the Municipality and other relevant review agencies; and,
- It is to be noted that the Landowner (Fourteen Estates Ltd.) is required to undertake due diligence to show conformity/compliance to the Province of Ontario ***Endangered Species Act, 2007***, and to obtain any permits from the Ministry of Environment, Conservation, Parks (MECP), prior to site clearing and construction.

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Sincerely,

CUNNINGHAM ENVIRONMENTAL ASSOCIATES



David G. Cunningham, Spec. Hons. BSc.
Senior Ecologist/Principal

APPENDIX A – CURRICULUM VITAE

DAVID G. CUNNINGHAM, Spec. Hons. B.Sc.
Senior Ecologist/Principal

- EDUCATION**
- Honours Bachelor of Science (B.Sc.) - Environmental Sciences (1978)
York University, Toronto, Ontario
- MEMBERSHIPS**
- Ontario Nature (ON)
 - The Field Botanists of Ontario (FBO)
 - The Canadian Society of Environmental Biologists (CSEB)
 - Ontario Field Ornithologists (OFO)
 - Society for Ecological Restoration (SER - Ontario Chapter)
 - Ontario Environmental Network (OEN)
 - Kawartha Field Naturalists (KFN)
- CERTIFICATIONS**
- PADI - International Open Water Diver 1980 Certification
 - Certification for Ontario Ministry of Natural Resources Wetland Evaluation System (Southern and Northern Ontario). 1st Edition to 3rd Edition
 - Ministry of Natural Resources & Forestry Environmental Impact Study (EIS) Training Session
 - MNRF Ecological Land Classification Certification (2009)
 - Butternut Health Assessor Certification (#177)
 - NHIC Species At Risk Data Sensitivity Training

AREAS OF PROFESSIONAL EXPERIENCE

General

Mr. Cunningham has 43 years experience in the natural environment profession, which includes 37 years as an environmental consultant. He specializes in environmental evaluations and impact assessments related primarily to natural resources, with expertise in terrestrial vegetation, wildlife, and wetlands. Mr. Cunningham has managed and/or participated in over 1000 projects dealing with natural environmental features and issues, including their significance and sensitivity. He has managed multi-disciplinary studies pertaining to the identification and evaluation of terrestrial, aquatic and wetland resources, from a watershed and subwatershed perspective. This has included the formulation of natural environmental policies, standards and targets for natural heritage system plans.

Mr. Cunningham regularly identifies and assesses the impacts of various development proposals on existing terrestrial and wetland resources. Development proposals have included infrastructure such as oil, gas, water and sewer pipelines, roads, sewage treatment plants, storm water facilities, and landfills. Other projects have included airports, parkland, golf courses, subdivisions, pits, quarries and gold mines, transportation corridors, coal-fired electric and small-head hydroelectric facilities including transmission line route selection. Many of these projects have been completed under Federal and Provincial Environmental Assessment statutes, the "**Provincial Policy Statement**", "**Greenbelt Plan**", "**Oak Ridges Moraine Plan**", "**Lake Simcoe Protection Plan**", regional/municipal/township/town Official Plans, Secondary Plans and other Federal and Provincial acts. He has also worked on behalf of First Nation Communities in southern, central and northern Ontario.

David has participated in watershed, subwatershed and master drainage studies throughout Ontario. In these studies, he was responsible for the collection and review of natural environment background information, site inventory evaluations, as well as liaising with resource management agencies and public interest groups.

He has qualified as an expert witness (biologist/ecologist) before the Ontario Municipal Board (OMB) and Local Planning Appeal Tribunal (LPAT), along with pending Ontario Land Tribunal (OLT) hearings. He has prepared evidence and participated in mediation sessions before the OMB, LPAT, Ontario Mining & Lands Division Commissioner, Regional-Municipal-Township and Town Councils, Federal Court and Provincial Court.

Transportation and Route Selection Studies

Transportation related projects include the GO-ALRT rapid transit system between Mississauga and Oakville; North-South Link between Highway 417 and Regional Road 30 in Cumberland Township; re-design of the internal road system in Point Pelee National Park; widening and upgrades to Highway 20 between Fonthill and Allanburg; bridge

crossing from Hawkesbury to Hamilton Island on the Ottawa River; causeway/bridge crossing to Clarence Island; re-alignment, removal and rehabilitation of County Road 45 near Alexandria; widening and upgrades to Highway 58 south of Welland; widening and upgrades of Highway 17 near Nairn Centre; widening, upgrades and the extension of Bathurst Street near Newmarket; widening and upgrades to Altona Road from Highway 2 to Finch Avenue in Pickering; widening and re-paving of County Road 28 from Minesing to Hwy 90 near Barrie; and bridge replacements across Axe Creek and Buck River near Huntsville.

Route selection environmental impact study projects have included cottage access roads across Crown land near MacTier, Six Mile Lake and Kahshe Lake; municipal water supply pipeline from Manotick to Nepean; sanitary trunk sewer lines in Arnprior, Orleans, Nepean, and Ingleside; external roads and servicing alignments for the South Urban and East Urban Community planning areas in the City of Gloucester and the Township of Cumberland; roads and rapid transit corridors in the Township of Cumberland, Hawkesbury, Alexandria, Newmarket, Sudbury, Welland, Fonthill, Oakville-Mississauga and Point Pelee; and transmission line corridor assessment for low-head hydroelectric dams on the Aux Sables River and Groundhog River.

Terrestrial Vegetation and Wildlife Studies

David has extensive experience in botanical evaluations including species inventories, vegetation community mapping and is certified in Ecological Land Classification (ELC) protocol. Inventories and after-construction monitoring programs have been undertaken using a variety of qualitative, and quantitative sampling techniques. Species habitat identification, utilization and Species At Risk (SAR) are a critical component of all studies. He has managed/participated in the evaluation of Environmentally Significant/Sensitive Areas (ESAs) as a part of Natural Heritage Systems (NHS), Secondary Plans, Master Drainage Plans and Master Environmental Servicing Plans.

David has also worked extensively on wildlife studies including habitat evaluations and management plans, population assessments and impact mitigation from land uses. He has managed projects dealing with the inventory and control of nuisance animals, particularly bird and mammal species in the vicinity of waterfront parks, airports and construction sites. Wildlife habitat evaluation and management projects have included mapping, as well as the identification and assessment of movement corridors and habitat linkages. These projects were conducted using small mammal trapping and tagging techniques, bird banding, and provincial breeding bird survey protocols. David was a volunteer participant in the 1981-1985 and 2001-2005 Ontario Breeding Bird Atlas (OBBA), and is participating in the 2021-2025 atlas, as well survey protocols following the Ontario Marsh Monitoring Program (MMP).

Wetland Studies

Mr. Cunningham has participated in over 100 wetland evaluations throughout Ontario using the standard Canadian Federal and the Ontario Wetland Evaluation System - Southern Ontario and Northern Ontario (OWES). He has managed and prepared Environmental Impact Studies (EIS)/Natural Heritage Evaluations (NHE) for various land use development proposals on wetland features, attributes and functions. Developments involving wetland issues have included housing, industrial, commercial, roads, utility corridors, storm water facilities, landfills, golf courses, hydroelectric facilities and aggregate/mineral/ore extraction.

Mr. Cunningham has formulated and provided mitigation measures and recommendations, site selection and compensation criteria, and restoration/rehabilitation management plans as compensation for land use development proposals in and adjacent to wetlands and shoreline features, within the context of both the Federal and Provincial wetland policies. He has been involved in the research and testing of wetland buffers, including enhancement/restoration planting plans within buffers adjacent to various wetland features. He has worked extensively with the MNRF, Parks Canada, Conservation Authorities and the Trent-Severn Waterway (TSW) on wetland and shoreline issues and is a certified wetland evaluator under the MNRF 1st, 2nd and 3rd editions of the OWES for both Southern and Northern Ontario.

Woodlot Studies

David has experience in evaluating woodland/woodlot ecosystems in relation to other identified natural features. Evaluations include the integration of data on woodland ecology, soils, surface drainage, flora and fauna. These projects include the use of qualitative and quantitative sampling to determine species dominance, age, height, health and structure. All involve due diligence pertaining to flora and fauna Species At Risk (SAR) and the ranking of wooded areas and individual trees for preservation or integration into land use changes or preservation, including buffer restoration/enhancements. He has participated in preparing Managed Forest Tax Incentive Program (MFTIP) plans in conjunction with a certified MFTIP Approver. He has prepared reports related to tree compensation issues under Forest Conservation and Tree-Cutting By-laws and is an MNRF certified Butternut Health Assessor (#177).

Aquatic Habitat Studies

Mr. Cunningham has participated in studies that focus on aquatic environs, fish and fish habitat evaluations. He has assessed the potential impacts of dredged sediment disposal, hydroelectric facilities, sewage disposal and water supply facilities on fish, fish habitat and water quality. He has prepared plans and drawings, and supervised the construction of MNR fisheries enhancement projects - FEP (riparian shoreline restoration, fencing, cattle watering stations, spawning shoals). Most of these projects have included using an array of fish and water quality sampling equipment. Equipment has included a dissolved oxygen/temperature meter, Secchi disk, Van Dorn bottle, backpack electro-shocker, beach seine net, gill net, trap net, portable HACH kit, ponar, dome sampler, and depth sounder.

Federal, Provincial and Conservation Authority Acts, Statutes, Regulations, Policies & Guidelines

He has extensive knowledge of the regulations pertaining to Species At Risk (SAR) for both the Federal *Species At Risk Act (2002)* - (SARA), as well as the Province of Ontario *Endangered Species Act (2007)* and the Species At Risk in Ontario (SARO) - Ontario Regulation 230/08 and 832/21. He regularly reviews updates for both Acts and their applicability to a proposed development project. He has a working comprehension of the *Provincial Policy Statement (2014, 2020)*, Ontario *Oak Ridges Moraine Act (2001)*, *Oak Ridges Moraine Conservation Plan (2002 & 2017)* - (ORMCP) having completed numerous ORM Compliance reports and Natural Heritage Evaluations (NHE). He has also addressed natural environment issues related to the Ontario *Greenbelt Plan (2005 & 2017)* and *Greenbelt Act (2005)*, *Lake Simcoe Protection Act (2008)* and *Lake Simcoe Protection Plan (2009)*, Ontario *Environmental Assessment Act (1990)*, Municipal Class Environmental Assessment (MCEA) and Conservation Authorities Ontario Regulations, planning and development policies, guidelines and ecological off-sets.

PROFESSIONAL HISTORY**Senior Ecologist/Principal**

Cunningham Environmental Associates, Lindsay, Ontario	1985 to Present
Associate Ecologist	
CF Crozier & Associates Consulting Engineers, Collingwood, Ontario	2019 to Present
Associate Ecologist	
Hensel Design Group, Collingwood, Ontario	2009 to 2019
Associate Ecologist	
Michalski Nielsen Associates Limited, Bracebridge, Ontario	1998 to Present
Associate Ecologist	
Bird and Hale Limited, Toronto, Ontario	1999 to 2013
Associate Ecologist	
Ecologistics Limited, Waterloo, Ontario	1995 to 1998
Senior Ecologist	
Niblett Environmental Associates Inc., Bethany, Ontario	1987 - 1995
Biologist	
Toronto Region Conservation Authority (TRCA), Downsview, Ontario	1986
Terrestrial Ecologist	
Proctor & Redfern Limited, Toronto, Ontario	1984 - 1985
Resource Technician	
Ontario Ministry of Natural Resources, Maple District Office, Maple, Ontario	1984
Senior Biologist	
Seatech Investigation Services Limited, Halifax, Nova Scotia	1982
Authority Biologist	
Lake Simcoe Region Conservation Authority, Newmarket, Ontario	1982 - 1983
Biologist	
Metropolitan Toronto and Region Conservation Authority, Downsview, Ontario	1979 - 1982

APPENDIX B – *DIGITAL DATA SOURCES*



Waldron St

Edgemoor Ln

Perry Av

Edmonson Av

Or...


Ormiston St

2311 - Hampton Estates Unevaluated Wetland

Map created: 7/11/2023

Notes: Enter map notes



- Legend**
-  Assessment Parcel
 -  Unevaluated Wetland

0 0.2 Kilometres

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Projection: Web Mercator





- Legend**
- Assessment Parcel
 - Unevaluated Wetland

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Projection: Web Mercator





LOT 18
CON'S
DARLINGTON

Parry Ave

Walden St

Elgin Lane

Old Scupperon Rd

Parry Ave

Kerr Ave

LOT 11
CON'S
DARLINGTON

Ormiston St

King Lane

Millville Ave

Old s

LOT 19
CON'S
DARLINGTON

Wetlands

☑ Authoritative



Private Member ⓘ

Ontario Ministry of Natural Resources and Forestry

Summary

Provides a spatial representation and attribute information for Ontario wetlands.

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Details



Dataset

Feature Layer



May 13, 2019

Info Updated



As Needed

Data Updated: July 7, 2023 at 11:59 AM



May 1, 1978 at 12:00 AM

Published Date



Records: 3,608,113

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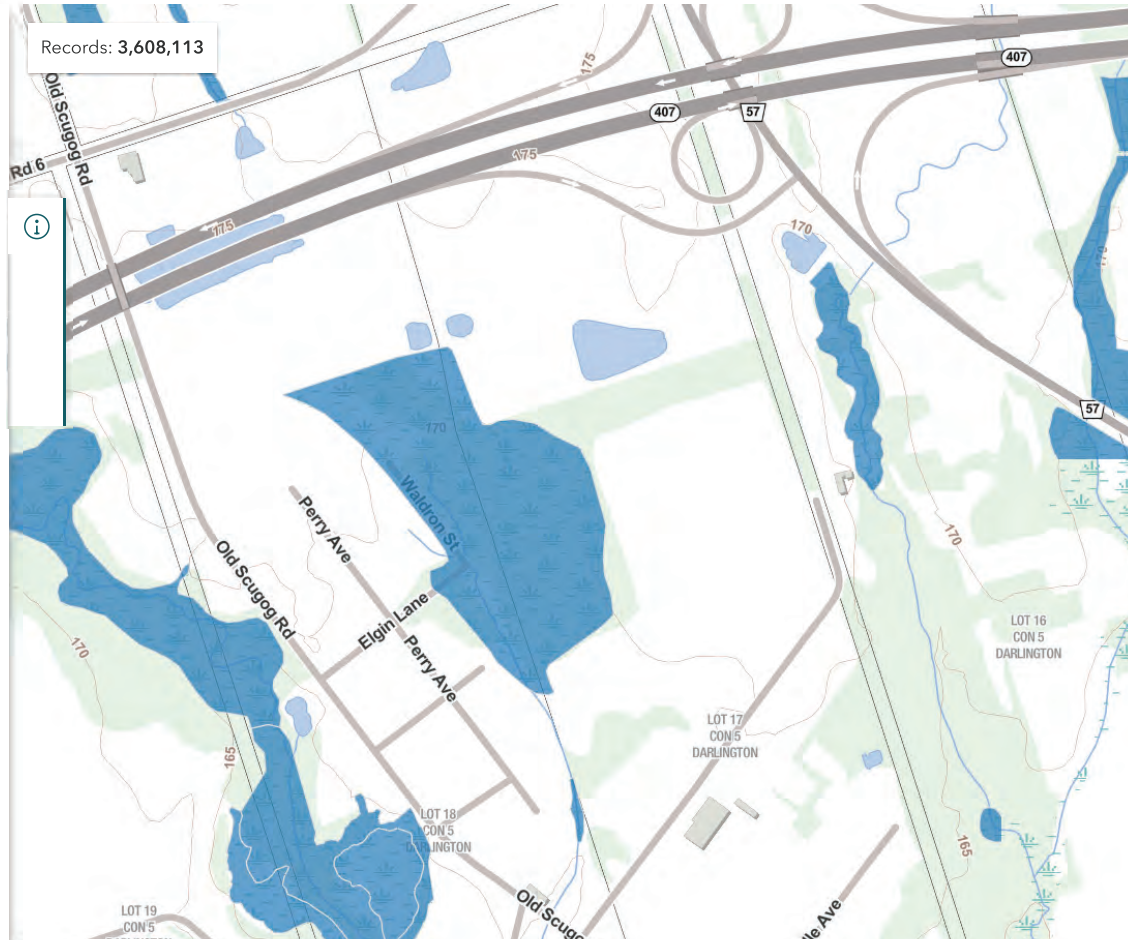
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CLOCA Regulated Areas

 **Private Member** ⓘ
Conservation Ontario

Summary

CLOCA's Open Data Regulated Areas (Generic Regulation) layer

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Details


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Feature Layer

 **June 6, 2022**
Info Updated

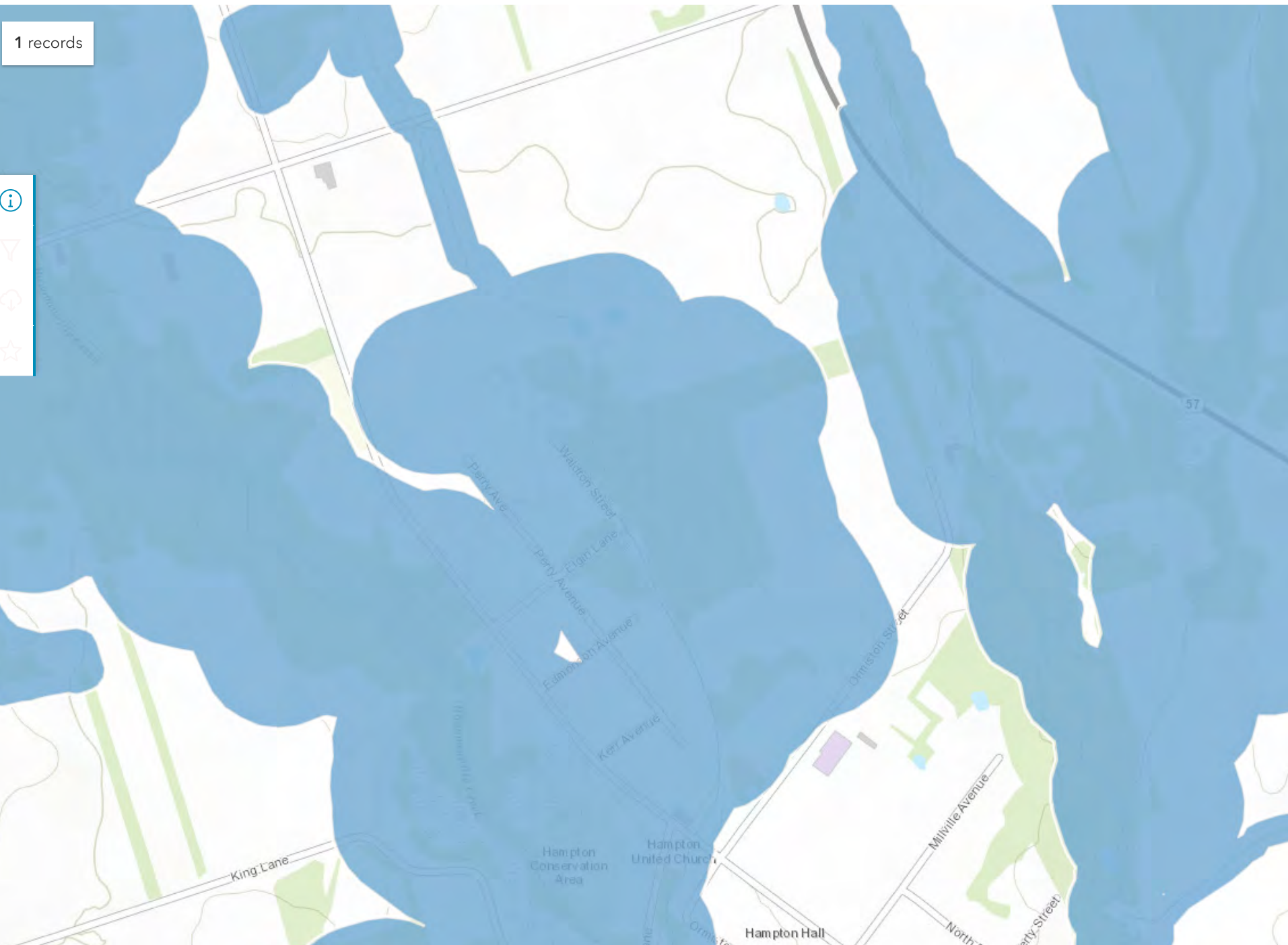
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Data Updated

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Region of Durham, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

NHIC Data

To work further with this data select the content and copy it into your own word or excel documents.

OGF ID	Element Type	Common Name	Scientific Name	SRank	SARO Status	COSEWIC Status	ATLAS NAD83 IDENT	COMMENTS
1049335	SPECIES	Eastern Wood-pewee	Contopus virens	S4B	SC	SC	17PJ8071	
1049335	SPECIES	Snapping Turtle	Chelydra serpentina	S4	SC	SC	17PJ8071	
1049335	SPECIES	Eastern Meadowlark	Sturnella magna	S4B,S3N	THR	THR	17PJ8071	
1049335	SPECIES	Bobolink	Dolichonyx oryzivorus	S4B	THR	THR	17PJ8071	