

**Ontario Municipal Board  
Commission des affaires municipales de l'Ontario**

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Eden Oak (Creditview Heights) Inc.  
Subject: Application to amend Zoning By-law 74-51 –  
Refusal or neglect of the Town of Halton Hills to  
make a decision  
Existing Zoning: RU  
Proposed Zoning: RE  
Purpose: To permit a development consisting of 31 single  
detached lots  
Property Address/Description: Part Lot 20, Concession 9  
Municipality: Town of Halton Hills  
Municipality File No.: D14ZBA08.004  
OMB Case No.: PL150128  
OMB File No.: PL150128  
OMB Case Name: Eden Oak (Creditview Heights) Inc. v. Halton Hills (Town)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Eden Oak (Creditview Heights) Inc.  
Subject: Proposed Plan of Subdivision – Failure of the  
Town of Halton Hills to make a decision  
Purpose: To permit a development consisting of 31 single  
detached lots  
Property Address/Description: Part Lot 20, Concession 9  
Municipality: Town of Halton Hills  
Municipality File No: D12SUB08.001  
OMB Case No.: PL150128  
OMB File No.: PL150129  
Hearing Date: Monday, February 27, 2017 – Town of Halton Hills  
10 days

**WITNESS STATEMENT  
OF  
NANCY FALKENBERG, M.SC. ECOLOGY  
(January 30, 2017)**



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**TAB 1**





**A. INTRODUCTION**

1. This Witness Statement has been prepared by:

Nancy Falkenberg, M.Sc.  
Senior Botanist/Ecologist

LGL Limited  
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22 Fisher Street  
King City, ON L7B 1A6  
Tel: 905-833-1244 ext 554  
Fax: 905-833-1255  
Email: nfalkenberg@lgl.com

2. The Ontario Municipal Board has scheduled a 2 week hearing to begin February 27, 2017 to deal with the "failure of the Town of Halton Hills to make a decision" regarding the proposed plan of subdivision located at Park Lot 20, Concession 9, known as Creditview Heights and hereby referred to as the "subject property". 31 single detached lots are proposed for the site.

3. Our work addresses a number of issues from the Procedural Order Issues List, including:

a. *Town and Region Issues List:*

11. *Are the Natural Heritage/Hazard constraints satisfactorily addressed including all requirements of the Official Plans and including the Credit Valley Conservation ("CVC") regulation?*

14. *Are comments from all public authorities and agencies, including Credit Valley Conservation ("CVC") current and have their issues been addressed?*

b. *GWCA Issues List – Revised:*

10. *Has sufficient consideration and protection been provided for the natural heritage attributes on and near the site and within the GWSP hamlet.*

P.O  
ISSUES # 20

c. *Issues List for Joan Griffin - Revised:*

13. *Does the proposed draft plan of subdivision appropriately address impacts on flora and fauna and adequately protect rare and regional significant plant and animal species?*

**B. QUALIFICATIONS**

4. I am a Senior Botanist/Ecologist at LGL Limited ("LGL"), with 12 years of experience as a consulting botanist and ecologist. My curriculum vitae is attached as Appendix A of this witness statement.

5. The evidence provided within involves matters of science associated with wildlife (plant and animals) and vegetation communities located on the subject property. My acknowledgement of Experts Duty is attached as Appendix B to this witness statement.

**C. RETAINER**

6. LGL was retained by Eden Oak (Creditview Heights) Inc. to comment on the degree of natural heritage impacts specific to wildlife (plant and animals) and to vegetation communities, and to recommend associated mitigation and compensation to offset impacts associated with the proposed development.

**D. SUMMARY OPINION**

7. The Environmental Implementation Report dated June 2016 prepared by LGL Limited incorporates findings as these relate to wildlife (plant and animal) and vegetation communities. The memo prepared by KFCI and LGL Limited dated January 10, 2017 includes the most recent conclusions based on the current proposed site plan dated December 2016 (Condeland Engineering Ltd.). A summary of findings is as follows:
- A total of 1.84 ha of treed vegetation communities have been identified to be preserved. The revisions to the site plan resulted in an increase of 0.48 ha of retained, existing forest cover over what was previously identified. The retention of this existing forest cover will continue to provide a natural connection across the northern portion of the subject property.
  - The total amount of existing vegetation identified for removal has been reduced to 3.24 ha. Compensation for the removal of existing vegetation including wetland, early successional woodland and native woodlands (forest) is proposed.
  - Approximately 0.64 ha of proposed planting areas have been identified within the subject property, and on adjacent lands. This proposed planting with the additional trees for which the proponent has agreed to compensate (assessed in October 2015), is expected to provide a benefit to the environment and to wildlife, post-development.
  - Two locally rare plant species have been identified and located on the subject property, and these individual plants will be transplanted. Additional surveys for other locally rare plant species are proposed.
  - Monitoring targets have been recommended as part of compensation planting, as requested.
- The increased retention of existing habitat, the proposed planting, and the compensation of more trees than are being removed (as determined by the project arborist), are expected to provide soil and slope stability, promote infiltration, mitigate temperature through shading, and provide habitat for wildlife.
8. Through discussions with the Credit Valley Conservation Authority a compensation ratio of 1:1 for early successional woodland habitat, and a ratio of 2:1 for wetland and native woodlands based on the area (hectares) removed of these communities within the subject property, was agreed to. This would result in a total required compensation of 4.09 hectares.
9. Overall, the mitigation and compensation proposed is reasonable to offset habitat loss, and enhance the natural environment associated with the proposed Creditview Heights development.

10. The list of reports and documents that I will refer to are:
- LGL. Updated June 2016. Creditview Heights, Glen Williams Ontario, Environmental Implementation Report.
  - LGL. January 2017. Memo Re: EIR Addendum Memo for Creditview Heights, Glen Williams. Ontario.
11. I am prepared to testify, be cross examined, and expand upon the conclusions and comments expressed in this witness statement and LGL's reports, if required.

Signature 

January 13, 2017  
Date



**TAB A**



**APPENDIX A. CURRICULUM VITAE**

**NANCY M. FALKENBERG, M.Sc.**  
**Senior Botanist/Ecologist**



**EDUCATION**

2012	Certified Ontario Wetland Evaluator, Ontario Ministry of Natural Resources
2010	Designated Butternut Health Assessor, Ministry of Natural Resources
2009	Water Management and Wetland Restoration Course, University of Guelph
2006	Ecological Land Classification (ELC) Certification Course, Turkey Point, Ontario
2000	Master of Science (M.Sc.), Ecology, York University, Toronto, Ontario
1996	Bachelor of Arts (B.A.), Specialized Honours Geography/Minor Biology, York University, Toronto, Ontario

**PROFILE**

Nancy has 12 years of experience as a consulting botanist/ecologist having worked for both the public and private sectors across a range of projects. Work includes natural heritage surveys including the delineation of vegetation communities, plant identification and botanical surveys, the delineation of wetland boundaries, and impact assessments for municipal roads, provincial highways, transit, and industrial and residential development. Works carried out fall within provincial guidelines related to the Ontario *Endangered Species Act (2007)*, the *Oak Ridges Moraine Conservation Plan*, and other provincial, municipal, and conservation authority regulations. Research related to species at risk includes policy review and liaison with experts and peers in order to prepare suitable mitigation measures, and prepare overall benefit plans. Other work associated with species at risk includes extensive field surveys, preparation of monitoring programs, research and design for habitat restoration, and report review for various species including Butternut, Bobolink, Eastern Meadowlark, Barn Swallow, and Little Brown Myotis.

**PROFESSIONAL EXPERIENCE**

**2008 Botanist, LGL Limited, King City, Ontario**

Responsibilities include species identification, botanical surveys, delineation of vegetation communities, Butternut health assessments, species research for both flora and fauna, airphoto interpretation, policy review, preparation of permit applications under the *ESA (2007)*, report writing, preparation of proposals, quality assurance and control, and liaison with review agencies and clients. Botanical surveys completed using the Ecological Land Classification for Southern Ontario, Forest Ecosystems Classification for Central, Northeastern and Northwestern Ontario, the Ontario Wetland Evaluation System, Southern Manual, and the OMNR Butternut Health Assessment protocol.

**Provincial Transportation Projects**

*Highway 407 East – Phases 1 and 2.* Biology lead: co-ordinate staffing for flora and fauna investigations, undertake general vegetation surveys, comparative analysis of wetlands, extensive species at risk surveys, Butternut Health Assessment of over 250 Butternuts, preparation of several applications for permits under the *ESA 2007* for Butternut, Barn Swallow, Bobolink, and Eastern Meadowlark which includes developing mitigation and overall benefit protocol to provide a net benefit to impacted species. Preparation of Detail Project Design Packages as part of overall benefit. Prepared the Vegetation Restoration Plan Frameworks and aided in the preparation of the Wildlife Plan Frameworks in support of environmental commitments. Undertook surveys for significant natural features along Hydro and Pipeline Corridors, and Archaeological Sites. Liaise with Ontario Ministry of Natural Resources, Ministry of Transportation: Central Region, and several Conservation Authorities.

*Highway 60 Improvements, Algonquin Park.* Work included botanical field investigations, delineation of vegetation communities, report preparation.

*Highway 35 Improvements from 0.15 km south of Highway 7 southerly for 2.2 km, City of Kawartha. W.P. 4509-02-01.* Natural Sciences Co-ordinator: work included botanical field investigation and assessment and report preparation.

**Municipal Projects**

*Major Mackenzie widening between Islington Avenue and Weston Road, Regional Municipality of York.* Natural Science Co-ordinator: work included species at risk surveys under *ESA 2007* for Bobolink, Eastern Meadowlark, Butternut Blanding's Turtle, Jefferson Salamander X Blue-spotted Salamander hybrid, Jefferson genome dominates, Redside Dace, and Western Chorus Frog. Wetland delineation of a Provincially Significant Wetland, discussions with



**NANCY M. FALKENBERG, M.Sc.**  
**Senior Botanist/Ecologist**



York Region, the OMNR and the Toronto and Region Conservation Authority to discuss impacts and develop mitigation and overall benefit measures for respective species, report preparation and QA/QC.

*Rutherford Road/Carville Road from Jane Street to Yonge Street, Municipal Class Environmental Assessment Study, Regional Municipality of York. Preliminary Design. Natural Science Co-ordinator and botanist. Botanical field investigations, delineation of vegetation communities, assisted with an impact assessment of several alternatives, assisted in the preparation of the Natural Heritage Report.*

*Bathurst Street Widening between Elgin Mills and Highway 7. Botanical field investigations, delineation of vegetation communities, report preparation.*

*St. John's Sideroad from Bayview Avenue to Woodbine Avenue, Town of Aurora and Town of Whitchurch-Stouffville, Regional Municipality of York. Detail Design Study. Botanical field investigations, delineation of vegetation communities, and carried out Butternut Health Assessment.*

**Development Projects**

*Natural Heritage Impact Study, Proposed Track and Field Facility for the 2015 Pan American Games, York University. Natural Science Co-ordinator and botanist: work included botanical and wildlife surveys, delineation of vegetation communities, assessment of development impacts, identified and proposed mitigation and compensation measures.*

*Natural Heritage Impact Study for a Zoning By-Law Amendment Application, Proposed Aquatic Centre for the 2015 Pan American Games, University of Toronto (North Campus) and City of Toronto. Natural Science Co-ordinator: work included botanical and wildlife surveys, delineation of vegetation communities, assessment of development impacts, identified and proposed mitigation and compensation measures.*

*Environmental Impact Statement for Adult Lifestyle Buildings in Town of Bradford. Natural Science Co-ordinator and botanist: work included botanical surveys, delineation of vegetation communities, Butternut Health Assessment, fish and wildlife surveys, assessment of development impacts, identified and proposed mitigation and compensation measures.*

*Environmental Implementation Report for Proposed Creditview Heights Development, Glen Williams. Works included botanical surveys, delineation of vegetation communities, wildlife surveys, assessment of development impacts, identified and proposed mitigation and compensation measures.*

**2005 / 2008 Ecologist, North-South Environmental Inc., Campbellville, Ontario**

Carried out botanical surveys, delineated vegetation communities, and carried out amphibian surveys, all as part of evaluating existing conditions as part of assessing impacts. Report preparation as part of terrestrial evaluations and analysis, conservation management plans, environmental monitoring, Natural Heritage Evaluations, and Environmental Impact Statements.

*Peggy's Woods Management Plan, Regional Municipality of York. Plant identification and botanical surveys, delineation of vegetation communities.*

*Natural Areas Survey, City of Mississauga. Natural Sciences Co-ordinator. Work included air photo interpretation and detailed field assessments of plant and wildlife identification including amphibian surveys. Review of natural area significance within the City of Mississauga based on information collected.*

**MEMBERSHIPS/CERTIFICATIONS**

- OMNR Designated Butternut Assessor
- OMNR Certified Ontario Wetland Evaluator
- Wetland Plant Identification, 2011
- Water Management and Wetland Restoration Training Course, U. of Guelph, 2009
- Grass Identification Workshop, University of Guelph, Ontario 2007
- Ecological Land Classification for Southern Ontario, Turkey's Point, Ontario, 2006
- Training seminar for the use and effects of Prescribed Burning on the Landscape, La Maurice National Park, Quebec, Ontario 1998



**TAB B**



**APPENDIX B. ACKNOWLEDGEMENT OF EXPERT'S DUTY**



Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

Case Number	Municipality
PL150128	Town of Halton Hills

1. My name is Nancy Falkenberg.....(name)  
 I live at the Town of Richmond Hill.....(municipality)  
 in the Mark Region.....(county or region)  
 in the Ontario.....(province)
2. I have been engaged by or on behalf of Eden Oak (Crestview Heights)... (name of party/parties) to provide evidence in relation to the above-noted Board proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the Board may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date January 13, 2017....

Nancy Falkenberg.....  
Signature