

SIGNIFICANT WOODLANDS and the promised SITE ALTERATION BY-LAW

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Issue

The definition of "significant woodlands" as a component of Ottawa's "natural heritage system" is overly limiting. The City needs to do more to preserve the woodlands we have left, in both rural and urban areas. But staff is not proposing to change the definition and without champions on Council there is no opportunity to achieve a change at this time.

Submissions to Planning Committee in October are an opportunity to

- 1) express our dissatisfaction with the City's policies on tree preservation;
- 2) demand that, at a minimum, a site alteration by-law see the light of day -- it's long overdue.

Background

The City of Ottawa's Official Plan, in section 2.4.2, Policy 1 (c), states that the natural heritage system includes:

"Significant woodlands defined in the rural area as woodlands that combine all three features listed below in a contiguous, forested area:

- i. Mature stands of trees 80 years of age or older; and
- ii. Interior forest habitat located more than 100 m inside the edge of a forest patch; **and**
- iii. Woodland adjacent to a surface water feature such as a river, stream, drain, pond or wetland, or any groundwater feature including springs, seepage areas, or areas of groundwater upwelling;"

This policy was adopted (and agreed to by the Province) in 2009, before the Ministry of Natural Resources had issued its Natural Heritage Reference Manual (2nd edition, 2010). Its guidelines for "significant woodlands" do not support the City's third condition. Moreover, there is no good reason to limit the definition of significant woodland to the rural area.

While many woodlots in the urban area have been designated Urban Natural Feature and therefore enjoy a degree of protection, others are not and remain vulnerable. For example, the Herzberg Woods and the 13.4 ha woodlot at Highway 416 (Urban Natural Areas 11 and 50 respectively) are both zoned Industrial.

Staff has explained that the "water feature" has to be within 5 metres of the woodlot and then the whole lot is taken to be a significant woodland.

The City's own data base (*Characterization of Ottawa's Watersheds*, March 2011) shows that five of Ottawa's 11 subwatersheds, in 2009, had less than the desired 30% forest cover. With the onslaught of the Emerald Ash Borer forest cover is bound to be lower now.

While we can protest, we are powerless to force change during this Official Plan review process. However, the issue does provide an opportunity to press Council on a related matter, namely the development of a "top soil preservation" or "site alteration" by-law. The Official Plan of 2003 included a directive to staff to come forward with one. In the 2009 revision of the Plan, that directive was further clarified and now reads:

"The City will work with the Conservation Authorities and other interested stakeholders to develop a by-law under the Municipal Act to regulate the removal of top soil, grade alteration, and placement of fill."
(Section 2.4.5, Policy 10)

The Ontario Municipal Board, in a July 21, 2011 Decision, explicitly took note of the City's intent to develop such a by-law. A draft was promised this past Spring. Yet nothing has come forward, and word is that work on it is "meeting a lot of resistance."

Regulating the removal of top soil is in itself a worthwhile conservation measure. But a comparison with other Ontario municipalities that have adopted such a by-law shows that, if properly scoped, it can go a long way to preventing the wanton removal of vegetation as well. Cities such as London, Oakville, Hamilton, and many more, have site alteration by-laws that include clauses on the impact on vegetation or trees.

Of course it would be best if we had a stronger urban tree preservation by-law and if we had a similar by-law applicable to the rural area. As we know, this is a very up-hill battle.

At this juncture, let's let Council know that we care about our trees and want to see a site alteration by-law as has been promised repeatedly.

Points for written or oral interventions

- The city does not care enough about our trees. The definition of "significant woodland" is overly restrictive. In both rural and urban areas, trees are our most precious companions. Current policies have large loopholes that allow trees to be destroyed.
- The definition adopted in 2009 does not conform to the Province's most current guidelines.
- If Council doesn't want to change the definition of "significant woodland" at this time, then at least instruct staff to proceed immediately with a site alteration by-law. The promise to do so has been on the books since 2003.
- Having a strong site alteration by-law, as a number of Ontario municipalities do, would fill an important gap in regulating the removal of vegetative cover on private land.

Background (linked)

- + The Greenspace Alliance submission to staff, September 5, 2013 (see esp. pages 3-4).
- + Site alteration by-laws: A comparison of 16 Ontario municipalities.
- + Excerpts from the Official Plan and the Provincial Policy Statement regarding site alteration.

References

- + OMB Decision of July 21, 2011 (PL100206), the "Flewellyn decision."
[On <http://www.omb.gov.on.ca/english/eDecisions/eDecisions.html>, search for "PL100206" and scroll down to item 17]
- + MNR, *Natural Heritage Reference Manual* (2nd ed., 2010), esp. section 7.
[Download from <http://www.mnr.gov.on.ca/en/Business/LUEPS/Publication/249081.html>]
- + City of Ottawa, *Characterization of Ottawa's Watersheds* (March 2011), esp. Tables 6-1/2/3.
[Download from <http://ottawa.ca/en/residents/water-and-environment/air-land-and-water/characterization-ottawas-watersheds>]
- + The Urban Natural Area evaluations of 2005/06 are not on the City's web site but there is some information about them here: <http://ottawa.ca/en/residents/water-and-environment/air-land-and-water/urban-natural-areas-environmental-evaluation>. An analysis of their current zoning status by the Greenspace Alliance is under way.