

[sent by email, 4 August 2016]

Dear Amy,

Thank you for the opportunity to comment on the Site Alteration Bylaw Discussion Paper.

We have examined the by-laws referenced in Appendix B, plus the by-law of Oakville, which was not referenced by you.

Every one of these 21 by-laws provides for a permit system. What can these municipalities, large and small, do that Ottawa cannot? **Ottawa too must adopt a permit system.** To not do so and depend on complaints from adjacent landowners or concerned members of the public is a recipe for a continuation of past bad practices and will render this by-law meaningless. The phrase "Enforcement will occur on a complaint basis" is the antithesis of good planning and ecological protection. The city must require landowners to notify the City and seek and receive a permit prior to any prescribed site alteration activities.

We also recommend that a copy of the SA permit be posted on the property line (as is proposed for Mississippi Mills) and that the proposal and the permit be posted on the city's website in a section dedicated to this purpose.

We are not convinced that a "rules in regulation" approach would be adequate. We have reviewed the various permit application forms used by other jurisdictions and believe that the questions asked on the permit application form and the answers provided by the applicant are the best and most comprehensive way to proceed and would provide the City with the information needed to protect adjacent property owners as well as the environment.

At least 13 of the by-laws examined refer to the removal of vegetation and 16 of them require the site plan to indicate the presence of trees (ranging in size from 75 to 250 mm diameter (DBH)) or in some measure require tree protection. Many of the by-laws note that there must not be unnecessary damage done to the vegetative cover. This is a useful feature and should be included in the new by-law. Page 4 of the discussion paper states that "some" municipalities include vegetation removal in their definitions of site alteration in their by-laws, while on page 10 "some" has become "many." We believe that "many" is more accurate assessment of the 21 bylaws reviewed. We will continue our research on this for the next round of comments.

Some by-laws require the site plan to show trees and canopy cover massing; many of them mention the need to protect natural heritage features such as ANSIs, woodlands, wetlands, watercourses etc. Interestingly, at least four of the bylaws require topographic/elevation mapping, not only of the site, but from 3 m to, in one case, 30 m beyond the boundary.

Barrie requires the landowner to notify the adjacent landowners (within 500 m) three weeks prior to commencement of site alteration. To us, this seems like a useful measure to include in the bylaw and, as noted in the discussion paper, is seen to be a good business practice.

Only one city (London) allows a landowners to appeal to the OMB a city decision not to issue a site alteration permit. It would be useful for the city to further investigate how the OMB as well as the provincial courts have dealt with municipal by-laws dealing with site alteration.

We strongly object to the phrase in 2.0 Guiding Principles in the discussion paper “will not prevent sites from being prepared for development prior to planning approvals“. To us, the whole rationale for a site alteration by-law is to prevent site clearance **prior** to planning approval being sought or received.

We want to see a draft by-law that is clear in its intent, has clear definitions, leaves no loopholes, is unambiguous in its aim of preventing unauthorized site alteration and which, with a permit system in place, asks the right questions and protects sites from poorly planned and executed development activities.

Sincerely,

Erwin Dreessen
for the Greenspace Alliance/FCA Working Group on a Site Alteration By-law