

Site Alteration Bylaw
Agriculture and Rural Affairs Committee meeting of April 5, 2018
Submission by the Greenspace Alliance of Canada's Capital

The Greenspace Alliance has worked closely with other stakeholders engaging with City staff over the entire process as the bylaw was crafted. The staff report makes reference to this and also characterizes our position on the outcome. We would like to make the following submissions regarding the draft bylaw submitted by staff for Planning Committee approval.

1. We are happy to see, and strongly support, that the bylaw covers rural and urban site alterations and that vegetation removal is included as a type of site alteration. On the down side, we would have preferred that the bylaw be enforced through a permitting system, rather than a complaint procedure. We understand that a permit system might be more onerous and, especially in the rural area, of unknown effectiveness. Nevertheless, we would be the only municipality in Ontario with a Site Alteration bylaw that does not include a permit system. If it is not possible to introduce a permit system, perhaps a minimal form of prior reporting could be introduced as an adjunct to the complaint procedure. We propose that, at a minimum, the bylaw require that the Ward Councillor be notified of any intended site alteration meeting the bylaw definition. This would at least raise a flag ahead of time and not place the entire burden of enforcement on post-hoc complaints reported to the City via #311.

2. From a greenspace perspective, our interest is mostly in preventing unnecessary vegetation removals, in particular trees and wooded areas. In this respect, we are pleased to see in article 10(1) of the bylaw that site alterations in the proximity of sensitive environmental areas will require prior approval of the General Manager of Planning, Infrastructure and Economic Development. However, we question whether the proposed distance of 30 meters is sufficient. A similar policy in the current Official Plan sets the limit at 120 meters for significant wetlands.

OP section 3.2.1, Policy 5: Development and site alterations will not be permitted within 120m of the boundary of a Significant Wetland unless an Environmental Impact Statement demonstrates that there will be no negative impacts (as defined by Section 4.7.8) on the wetland or its ecological function.

Similarly, Policy 5 of section 3.2.2 sets a limit of 120 meters for development or site alterations in the proximity of Natural Environment Areas. We believe that the provisions of the Site Alteration bylaw should be consistent with the Official Plan policies in this regard and propose that this distance be changed from 30m to 120m.

3. The Site Alteration Bylaw as currently drafted does not cover a type of vegetation removal that is one of our highest concerns, the pre-emptive cutting of rural trees and woodlands ahead of urban expansions. The periurban area is the crown of rural lands in the immediate proximity of the urban boundary, and, as such, are candidate lands for inclusion in future urban expansions. It is in this area that we have identified a gap in coverage. The Urban Tree Conservation bylaw, which is slated for revision this year, covers the urban area only. The Significant Woodlands Policy covers the Urban Expansion Areas, areas officially recognized in the Official Plan as slated for future development. The Site Alteration bylaw covers Natural Environment Areas that happen to be in the periurban area. However, this leaves many wooded areas in the periurban fringe without any protection whatever. Though not significant under the rural provisions of the various applicable policies, many of these woodlands would be considered significant under the urban provisions of the Significant Woodland Policy (i.e. at least 0.8 ha in size and 40 years old). It is good planning to try to preserve these woodlands for their value as urban woodlands in anticipation of urban

expansions. Either of the Site Alteration Bylaw, the Significant Woodland Policy or the Urban Tree Conservation bylaw could do the job. However, at this time, none of them addresses the issue. At a minimum, we would like to see a commitment made that one of these three vehicles will adopt protective measures to forestall these pre-emptive clearings.

Thank you for your consideration of these points, which we believe would be improvements to what is already a commendable effort in the right direction.

Paul Johanis
Chair, Greenspace Alliance of Canada's Capital
April 4, 2018