

**4. RESULTS OF THE ENVIRONMENTAL
IMPACT STATEMENT GUIDELINES REVIEW**

**RÉSULTATS DE L'EXAMEN DES LIGNES DIRECTRICES
DE L'ÉTUDE D'IMPACT SUR L'ENVIRONNEMENT**

COMMITTEE RECOMMENDATIONS

That Council:

1. Approve the revisions to the Environmental Impact Statement Guidelines, as shown in Document 1;
2. Approve the addition of a new condition of draft approval, as shown in Document 2, to the City's standard menu of conditions for draft approval of subdivisions;
3. Delegate authority to the General Manager, Planning and Growth Management, to approve any future minor revisions required to provide additional clarity or to ensure that the Environmental Impact Statement Guidelines are kept current and correct with respect to the City's Official Plan policies, provincial requirements, technical information and best practices for mitigation measures; and
4. Refer the addition of a budget pressure for a second Environmental Planner for consideration in the 2013 budget process.

RECOMMANDATIONS DU COMITÉ

Que le Conseil :

1. Approuve les révisions apportées aux lignes directrices de l'étude d'impact sur l'environnement, tel qu'illustré dans le document 1;
2. Approuve l'ajout d'une nouvelle condition d'approbation provisoire, tel qu'illustré dans le document 2, au menu normal des conditions de la Ville imposées pour l'approbation provisoire des lotissements;
3. Délègue le pouvoir au directeur général d'Urbanisme et Gestion de la croissance d'approuver les révisions mineures futures nécessaires pour apporter des éclaircissements supplémentaires ou pour

s'assurer que les lignes directrices de l'étude d'impact sur l'environnement sont actualisées et conformes aux politiques du Plan officiel de la Ville, aux exigences provinciales, aux renseignements techniques et aux pratiques exemplaires en matière de mesures d'atténuation; et

- 4. Soumettre l'ajout d'une pression budgétaire pour les services d'un second planificateur environnemental pour examen dans le cadre du processus budgétaire de 2013.**

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 29 May 2012 (ACS2012-ICS-PGM-0113).
Rapport de la Directrice municipale adjointe, Urbanisme et Infrastructure, le 29 mai 2012 (ACS2012-ICS-PGM-0113).
2. Extract of Draft Minute, 12 June 2012.
Extrait de l'ébauche du procès-verbal, le 12 juin 2012.

Report to/Rapport au :

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales**

and/et

**Planning Committee
Comité de l'urbanisme**

and Council / et au Conseil

**May 18, 2012
18 mai 2012**

**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure**

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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2012-PAI-PGM-0074

**SUBJECT: RESULTS OF THE ENVIRONMENTAL IMPACT STATEMENT
GUIDELINES REVIEW**

**OBJET: RÉSULTATS DE L'EXAMEN DES LIGNES DIRECTRICES DE
L'ÉTUDE D'IMPACT SUR L'ENVIRONNEMENT**

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs and Planning Committees recommend
Council:

1. Approve the revisions to the Environmental Impact Statement Guidelines,
as shown in Document 1;
2. Approve the addition of a new condition of draft approval, as shown in
Document 2, to the City's standard menu of conditions for draft approval of
subdivisions;
3. Delegate authority to the General Manager, Planning and Growth
Management, to approve any future minor revisions required to provide

additional clarity or to ensure that the Environmental Impact Statement Guidelines are kept current and correct with respect to the City's Official Plan policies, provincial requirements, technical information and best practices for mitigation measures; and

4. Refer the addition of a budget pressure for a second Environmental Planner for consideration in the 2013 budget process.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales et le Comité de l'urbanisme recommandent ce qui suit au Conseil :

1. Approuver les révisions apportées aux lignes directrices de l'étude d'impact sur l'environnement, tel qu'illustré dans le document 1;
2. Approuver l'ajout d'une nouvelle condition d'approbation provisoire, tel qu'illustré dans le document 2, au menu normal des conditions de la Ville imposées pour l'approbation provisoire des lotissements;
3. Déléguer le pouvoir au directeur général d'Urbanisme et Gestion de la croissance d'approuver les révisions mineures futures nécessaires pour apporter des éclaircissements supplémentaires ou pour s'assurer que les lignes directrices de l'étude d'impact sur l'environnement sont actualisées et conformes aux politiques du Plan officiel de la Ville, aux exigences provinciales, aux renseignements techniques et aux pratiques exemplaires en matière de mesures d'atténuation; et
4. Soumettre l'ajout d'une pression budgétaire pour les services d'un second planificateur environnemental pour examen dans le cadre du processus budgétaire de 2013.

BACKGROUND

The Environmental Impact Statement Guidelines (EIS Guidelines) were first approved by City Council on July 14, 2010. These guidelines provide the development industry and private applicants with directions for the preparation of Environmental Impact Statements when such studies are required as part of the development review process. At the time of the guidelines' approval, Council directed staff to conduct a review of the EIS Guidelines' content and process to begin one full year after implementation and to consider in the review any written feedback received from local stakeholders or members of the public during that time. This report addresses the results of the one-year review of the EIS Guidelines.

When the EIS Guidelines were approved, Council also passed Motion 97/5 directing EIS reports to be updated where subdivisions are proceeding in phases. This direction was posted on the front page of the EIS Guidelines on the City's web site, and now has

been incorporated into the text of the revised guidelines (see new Section 2.5 in Document 1). Staff have also developed a corresponding condition for draft subdivision approval (see Document 2) and recommend that it be incorporated into the City's standard menu of conditions for draft subdivision approval.

DISCUSSION

Very little written feedback on the guidelines was received during the review period. Nonetheless, staff are recommending several revisions to resolve issues with the Scoped EIS process that were identified through discussions with applicants, and to address comments received in 2010 prior to the approval of the guidelines that were deferred to this one-year review process. A table summarising the results of staff's review of these deferred 2010 comments is contained in Document 3.

The Official Plan directs that a Scoped EIS be used to assess the potential impacts of smaller development proposals, such as single-lot severances, where impacts would be minor. The EIS Guidelines provide guidance on determining when a Scoped EIS is appropriate, and include a form for the applicant or their consultant to complete, while allowing staff to waive the completion of this form in certain exceptional circumstances. The form was also intended for use as a summary or cover sheet to accompany Detailed EIS reports, and its length and technical language intimidated many private applicants. The amount of staff time required to assist these applicants in completing the form was considered excessive, and the use of the form as a cover sheet for Detailed EIS reports was also of limited value. The form therefore has been revised into a dedicated Scoped EIS Form, aimed specifically at private applicants, to make it easier to complete (see Appendix 1 in Document 1).

Staff also determined that in many cases, the completion of the form was unnecessary for a Scoped EIS because the outcome could be readily predicted at the time of pre-application consultation, or that it would be more appropriately done at a later stage of development when more project information became available. The revised guidelines give the environmental planner greater flexibility to defer the completion of the Scoped EIS Form to a later stage of development, or waive it altogether in cases where the risk of negative impacts is negligible. In such cases, the staff review of the proposal will constitute the Scoped EIS. Staff will retain the ability to impose conditions on applicants in cases where the completion of the Scoped EIS Form is waived, to ensure that any appropriate mitigation measures are implemented.

Other minor changes are intended to clarify the EIS Guidelines and to ensure that they are up to date with respect to the Official Plan policies and other regulatory processes. The Characterization of Ottawa's Watersheds, recently approved by Council for use as a foundation for environmental studies, is now referenced in the guidelines, as are changes to policies as a result of the Official Plan Amendment 76 appeals resolution process. The Foreword, staff contact information and links to various web pages have also been updated. Staff recommend that the General Manager, Planning and Growth Management, be given authority to approve such minor revisions in future to ensure that

the guidelines are kept current and correct with respect to the City's Official Plan policies, provincial requirements, technical information and best practices for mitigation measures. Major changes to EIS requirements associated with the interpretation and application of Official Plan policies would still require the approval of Committees and Council.

There are still issues remaining with respect to the implementation of the EIS process due to resourcing. The City's Development Review branch employs one environmental planner, who is responsible for providing advice on EIS requirements and reviewing all EIS reports submitted. It is not possible for one person to attend all of the pre-application consultation meetings or to review every pre-application form submitted within the timelines allowed, while also providing input to applicants and their consultants during the preparation of each EIS, and reviewing all of the EIS reports received. The streamlining of the Scoped EIS process is expected to provide some relief but will not resolve this issue entirely. The development industry has expressed concerns over the potential for delays in the EIS process, while other stakeholders are concerned that applications may not be receiving sufficiently rigorous attention. Staff are recommending the addition of a second environmental planner in the 2013 budget to remedy this situation.

The City's ability to control pre-emptive site clearing, or to monitor and enforce compliance with environmental conditions of approval during and after project construction is also limited. It currently operates primarily on a complaint basis using available staff resources and regulatory tools (e.g., Drainage By-law, Urban Tree Conservation By-law). In some cases, other agencies can be called in to address issues under their jurisdiction (e.g., Conservation Authorities) but this is not always an option. Tree clearing in significant woodlands, for example, is only currently regulated under the Urban Tree Conservation By-law within specified urban expansion areas, leaving the majority of the City's rural woodlands unprotected. In the absence of a regulatory infraction, the City may have little ability to impose penalties or require restoration. This lack of consistent monitoring and enforcement was identified by several stakeholders as a weakness in the EIS process; however, it is a resourcing and/or regulatory issue and therefore cannot be resolved through the EIS Guidelines. Additional resources, such as a second environmental planner and/or environmentally-trained construction inspectors, would be required to enable the City to follow up on applications. Staff are currently considering potential means of enforcement, including the introduction or strengthening of municipal by-laws on site alteration and tree clearing, and will be bringing recommendations to address these issues to Committees and Council separately at a later date.

RURAL IMPLICATIONS

The EIS Guidelines apply City-wide. The proposed changes to the Scoped EIS Form and process are expected to make this part of the development application process less onerous on applicants, many of whom are rural residents.

CONSULTATION

No written feedback was received during the year after the guidelines were approved. Staff sent out a notification to all previously identified stakeholders in September 2011, reminding them of the mandated review process and requesting the submission of comments. A similar notification was also posted on the front page of the EIS Guidelines on the City's web site. Although many stakeholders responded to request that the City keep them informed of any proposed meetings or revisions to the guidelines, only one provided written feedback, which was to "keep it simple."

The draft revisions to the EIS Guidelines were circulated to the stakeholders for their review and comment in mid-February 2012. Natural Systems staff made presentations to the Ottawa Forests and Greenspace Advisory Committee, the Environmental Advisory Committee and the Rural Issues Advisory Committee in late February and March, 2012, during the review period. A number of stakeholders, including members of the development industry, also arranged to meet with staff to discuss specific aspects of the guidelines during this time. A summary of comments received as a result of the draft circulation, along with staff responses, is presented in Document 4. Some further revisions, or refinement of staff's proposed draft revisions, were made to the guidelines as a result of these comments.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

Recommendations 1 through 3: There are no direct financial implications. Recommendation 4: The FTE, and associated funding, for the additional Environmental Planner position will be brought forward as a budget pressure through the 2013 budget process.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

The EIS Guidelines have improved the standard of EIS practice in Ottawa thus strengthening our ability to protect significant natural features and their ecological

functions during the development review process. The proposed changes to the Scoped EIS process will not lessen staff's ability to protect these features and functions. The other proposed changes, including the incorporation of Council's direction requiring EIS reports to be updated as necessary, will further improve the guidelines and the standard of EIS produced as a result.

TECHNOLOGY IMPLICATIONS

There are no direct technical implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report supports the following objectives from the 2011-2014 Strategic Plan:

- ES2 - enhance and protect natural systems
- ES3 - reduce environmental impacts
- SE1 - ensure a positive experience for every client interaction
- SE2 - improve operational performance

SUPPORTING DOCUMENTATIONS

[Document 1](#) Environmental Impact Statement Guidelines (2012) showing proposed revisions for approval in "tracked changes" format (*Distributed separately and held on file with the City Clerk*)

[Document 2](#) Proposed new standard condition for draft approval of subdivisions (*Distributed separately and held on file with the City Clerk*)

[Document 3](#) Amended comment-response summary table, showing disposition of all comments received in 2010 that were deferred to the one-year review process (*Distributed separately and held on file with the City Clerk*)

[Document 4](#) Comments and responses from the circulation of draft revisions in 2012 (*Distributed separately and held on file with the City Clerk*)

DISPOSITION

Planning and Growth Management staff will ensure that the revised EIS Guidelines are posted to the City's web site in place of the 2010 version (in both French and English) and will implement the revised guidelines through the development application review process.

Planning and Growth Management staff will also update the standard menu of conditions for draft approval of subdivisions to incorporate the new condition.

Planning and Growth Management staff in the Natural Systems unit will undertake any minor revisions required in future to keep the guidelines clear, current and correct, for the approval of the General Manager, Planning and Growth Management.

RESULTS OF THE ENVIRONMENTAL
IMPACT STATEMENT GUIDELINES REVIEW
ACS2012-PAI-PGM-0074

CITY-WIDE

REPORT RECOMMENDATIONS:

That the Agriculture and Rural Affairs and Planning Committees recommend Council:

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- 4. Refer the addition of a budget pressure for a second Environmental Planner for consideration in the 2013 budget process.**

The Agriculture and Rural Affairs Committee considered this item at its meeting of 31 May 2012 and CARRIED the above recommendations with no amendment.

The Planning Committee CARRIED this item, with Councillor R. Bloess dissenting on Recommendation No. 4.