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## **1. Introduction**

The City of Ottawa's approach to wildlife planning is primarily ecosystem and land use oriented. It works on the basis of protection of habitat and corridors, and is implemented through the land use planning process.

This document outlines the current planning practices in Ottawa. The document is organized from the high-level to the implementation, starting with the basic ground rules or legislative context in which the City operates, followed by the Over-arching City policy, and concluding with the implementation mechanisms.

## **2. Legislative Context**

Municipalities are “creatures of the province”, and thus they receive all of their powers and authority from the province. Wildlife planning must therefore fall within the powers granted by the province.

### Municipal Act

The *Municipal Act* gives municipalities powers and duties for operation of a municipal government. Among the powers that the *Municipal Act* allows are:

- tree cutting by-law
- site alteration and grading by-laws
- jurisdiction over highways
- animal control
- public nuisance, noise
- garbage and recycling
- licensing
- taxation

A list of relevant City by-laws is included as Appendix H.

### Planning Act

The *Planning Act* is the means by which the province establishes the ground rules for land use planning and in which municipalities derive their powers and some of their processes.

The *Planning Act* provides the basis for the City to:

- prepare an Official Plan and planning policies intended to guide future development while protecting and preserving sensitive greenspace lands and valuable resource areas;
- regulate and control land uses through zoning by-laws.establish a process for and make decisions on development applications for land division, land use, and site planning;
- require the conveyance of land for park or other public recreational purposes.

### Provincial Policy Statement

Through the *Planning Act*, the Province may issue Provincial Policy Statements (PPS) on planning matters of provincial interest. The current PPS contains policies related to:

- The protection of natural features which promote the maintenance, restoration or improvement of connectivity, biodiversity, and long-term ecological function.
- Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species. This is consistent with the requirements of the *Endangered Species Act* (ESA).
- Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Planning decisions by the City must be consistent with the Provincial Policy Statement.

Legislation and Policies for Other (non-municipal) Organizations:

There are several other jurisdictions that have an interest and stake in wildlife issues within the City of Ottawa, such as the National Capital Commission, Conservation Authorities, Ministry of Natural Resources (Ontario), and Airport Authority. A summary of the relevant legislation is included in Appendix B. In addition to these organizations having their own interest, the City also relies on them for certain tasks and endeavours related to wildlife planning. The organizations and their relationship to the City are summarized in Table 1.

Table 1: Non-municipal organizations and jurisdiction for wildlife-related affairs

<b>Level</b>	<b>Organization/Department</b>	<b>Jurisdiction and Relationship to City</b>
Federal	Parks Canada	<ul style="list-style-type: none"> <li>• Rideau Canal</li> </ul>
	Fisheries and Oceans Canada (FOC)	<ul style="list-style-type: none"> <li>• Fisheries</li> <li>• Approval of alteration of waterways</li> </ul>
	National Capital Commission (NCC)	<ul style="list-style-type: none"> <li>• Management of NCC lands (eg Greenbelt)</li> </ul>
	Airport Authority (OMCIAA)	<ul style="list-style-type: none"> <li>• Management and planning on Airport lands</li> </ul>
Ontario	Ministry of Environment (MOE)	<ul style="list-style-type: none"> <li>• Approval of Environmental Assessments</li> <li>• Certificates of Approval for stormwater management</li> <li>• Water resources</li> <li>• Permits to take water</li> </ul>
	Ministry of Agriculture, Food, and Rural Affairs (OMAFRA)	<ul style="list-style-type: none"> <li>• Livestock compensation</li> <li>• Agriculture policy</li> </ul>
	Ministry of Natural Resources (MNR)	<ul style="list-style-type: none"> <li>• Significant wetland identification</li> <li>• Species at risk/<i>Endangered Species Act</i></li> <li>• Aggregate extraction</li> <li>• Provincial Parks</li> </ul>
	Ministry of Municipal Affairs	<ul style="list-style-type: none"> <li>• Planning and housing matters</li> </ul>

	& Housing (MMAH)	<ul style="list-style-type: none"> <li>• Approval of Official Plans</li> <li>• Creation of Provincial Policy Statement</li> </ul>
Other	Conservation Authorities (Rideau Valley, South Nation, Mississippi Valley)	<ul style="list-style-type: none"> <li>• Floodplain mapping</li> <li>• Cut and fill permits</li> <li>• Management of conservation areas</li> </ul>

### 3. City Policy:

#### Official Plan

An Official Plan (OP) describes the City's policies on how it will manage growth and how land should be used. It deals with matters such as:

- Where new housing, industry, offices and shops will go;
- What services such as roads, watermains, sewers and parks will be needed;
- What lands will be preserved from development because of their greenspace, environmental and resource values.

An Official Plan contains policies for those matters identified in the Provincial Policy Statement and those matters addressed by applications under the *Planning Act*. In addition to this, the Plan may contain guidance as to how City Council might position itself on other matters but it cannot control matters outside the authority of the Ontario *Planning Act*.

The Official Plan contains policies related to wildlife as follows:

#### Section 2: Strategic Directions

##### 2.4.2 Natural Features and Functions

- Protect natural areas by designating forests, wetlands and other natural features which perform significant natural functions.
- Protect endangered, threatened, and municipally or provincially rare species and natural communities;
- Provide for the needs of a variety of wildlife including seasonal habitats and linkages;

##### 2.4.3 Watershed and Subwatershed Plans

- Planning on the basis of watershed and subwatershed for ecological components.
- Identification and assessment of ecological features and resources within the watershed including headwater areas;
- Recommendations on management strategies, implementation and monitoring to address the preservation, enhancement and rehabilitation of those features
- Three levels:
  - Watershed Plan: Considers entire watershed of watercourse
  - Subwatershed Plan: More detailed plan. Addresses natural features and functions, forest cover, and other environmental aspects of development.

- Environmental Management Plan: More detail than subwatershed plan or coordination of environmental planning and stormwater management between multiple sites

#### 2.4.5 Greenspaces

- The City will seek opportunities to build the Urban Greenspace Network through:
  - The review of development applications, to seek opportunities at various scales to fill gaps in the network, provide connections to the Urban Greenspace Network, and extend it to new urban communities wherever possible;
  - Partnerships with public and private partners to provide access to greenspaces.
- A target of 4.0 hectares per 1000 population, or approximately 16 per cent to 20 per cent of gross land area, will be pursued.
- In cooperation with the Conservation Authorities, the City will support the stewardship of private lands through such means as:
  - Developing incentives such as the rural clean water program and rural reforestation program;
  - Encouraging publicly-funded programs to focus on actions that enhance natural environment systems, such as increasing vegetative cover on steep slopes or adjacent to watercourses or improving connections between wildlife habitat areas;
  - Providing information to rural landowners on land stewardship.

#### 2.5.1 Urban Design and Compatibility

- Design Objective #6: to understand and respect natural processes and features in development design (Design with Nature).
  - protect the City's natural heritage system and take an ecosystem approach to design that supports natural functions, such as natural drainage, groundwater recharge and discharge, and wildlife habitat.
  - Protect, integrate and enhance the urban forest, vegetative cover, green spaces and corridors, environmental features and landscapes, and existing topography.
- The environment-related design objectives from Annex 3 of the Official Plan are included in Appendix D.

#### 2.5.6 Collaborative Community Building and Community Design Plans

Community Design Plans (CDP) are used to address growth and change in a community. They focus primarily on land use and development issues and may produce design guidelines, a greening strategy or other strategies to address the physical development of the area.

- Shall include a subwatershed plan or environmental management plan to identify natural heritage system, assess potential impacts of proposed development on the system, and recommend measures to avoid these impacts and strengthen the area's natural features and functions.

- Will implement the recommended measures through the proposed plan, development review process, public investments and other means.

## Section 3: Designations and Land Use

### 3.2 Natural Environment

- The Official Plan has a variety of land use designations to address the natural environment. These include: Significant Wetlands, Natural Environment Areas, Urban Natural Features, Rural Natural Features. In addition, there are designations for Major Open Space, and the Greenbelt.
- These land use designations are intended to protect Ottawa's natural heritage system, and were identified because of their ecological importance or ability to contribute to the greenspace network. Other areas not designated may be linked which allow for migration of wildlife.
- These land use designations seek to prevent development that will adversely impact the natural heritage system and its functions.
- Generally, development proposed in or adjacent to these designations require an Environmental Impact Statement to show that the proposed development will not negatively impact the environmental area.
- The natural heritage system is shown on Annex 14 of the Official Plan

#### Significant Wetlands

- Areas identified as such by the Ministry of Natural Resources, based on biological, social, hydrological, and special features.
- Development and site alteration is not permitted in Significant Wetlands, and those uses which do not adversely affect the natural characteristics are permitted.

#### Natural Environment Area

- Areas with high environmental value as assessed through federal, provincial, and municipal studies. Includes wetlands, significant woodlands, and wildlife habitat, as well as Areas of Natural and Scientific Interest (ANSIs).
- Development and site alteration is not permitted in Natural Environment Areas, and those uses which do not adversely affect the natural characteristics are permitted.

#### Urban Natural Features

- Natural landscapes which may include woodlands, wetlands, watercourses, and ravines.
- Development or site alteration not permitted unless an Environmental Impact Statement indicates that the proposed development will not negatively impact the natural feature.

#### Rural Natural Features

- Natural areas in the rural area that contain significant woodlands, valleylands, wetlands, and wildlife habitat. Intended to protect locally-significant natural areas and tree cover.

- Development or site alteration not permitted unless an Environmental Impact Statement indicates that the proposed development will not negatively impact the natural feature.

#### Major Open Space

- Large parks that form major part of the greenspace network
- Recreation, leisure, cultural facilities, education, conservation, restoration and transportation corridors are permitted.
- Require cultural heritage or archaeological studies for development in certain areas (waterfronts, river corridors).

#### Central Experimental Farm and Greenbelt

- Special designations for lands within these areas
- Exclusive of Major Open Space, Urban Natural Features, Natural Environment Areas, and Significant Wetlands, which are designated accordingly.
- Uses are farming, forestry, recreation, and some research (Central Experimental Farm) or small-scale commercial (Greenbelt)

### Section 4: Review of Development Applications

#### 4.7 Environmental Protection

A variety of studies may be required in conjunction with a development proposal to address potential impacts on the environment, including:

- Integrated Environmental Review: Summarizes all environmental studies submitted.
- Tree Conservation Report: Addresses the ability to retain trees on site
- Environmental Impact Study: Identifies natural features and considers ways to avoid or mitigate impacts and enhance natural functions. Described under “Implementation Mechanisms” below.
- Erosion and Sediment Control Plan: To address potential erosion and runoff during construction
- Geotechnical Study/Slope Stability: to determine the setback from watercourses.
- Groundwater impact assessment: Impact on groundwater resources
- Stormwater Site Management Plan: for all developments that proposed on-site stormwater management.
- Assessment of landscape feature: to assess landscape features (eg geologic and landform features—earth science ANSI).

### Section 5: Implementation

The Official Plan serves as a basis for a wide range of municipal activities. Those that pertain to wildlife include:

- The acquisition of land for purposes described in the Official Plan;
- The review of development applications to provide guidance to prospective developers and landowners who want to alter existing land uses;

- The preparation of more detailed guidelines on a range of policy matters such as Environmental Impact Statements and community design;
- The preparation of annual municipal budgets and long-term plans for capital spending;

An example of how the sections of the Official Plan work together is included in Appendix C.

### Greenspace Master Plan

The Official Plan is supported by the Master Plans, such as the Greenspace Master Plan. The Greenspace Master Plan characterizes and evaluates all components of greenspace in the city as a basis for a range of policies related to protection, acquisition and management.

- The Greenspace Master Plan uses the network approach, and intends to consider parks as contributing to the overall greenspace and natural areas.
- Provide connected greenspaces in all areas of the city
- The City will prepare management plans for natural areas

### Environmental Strategy

The City's Environmental Strategy is an action plan for implementing environmental goals for a five year period.

- The Environmental Strategy builds on the four pillars of sustainability – economic, environmental, social and cultural.
- The strategy includes wildlife-related actions in 3.2.1 Strategic Planning.
- The Environmental strategy is currently under review, to be completed in 2011.

## **4. Implementation Mechanisms:**

### Zoning By-law

The policies contained in the Official Plan are designed to help guide day-to-day decision-making on land-use issues in the city. One key to translating Official Plan policies into consistent decisions “on the ground” is the Zoning By-law.

Zoning by-laws are enabled by the Ontario *Planning Act* (Section 34) to regulate the use of land and the location of buildings and structures. Zoning by-laws also assist in carrying out the planning objectives of City Council as expressed through the Official Plan, which serves as a blueprint for the City's zoning by-law. Zoning by-laws can be used for prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,

- that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
- that is a significant corridor or shoreline of a lake, river or stream, or
- that is a significant natural corridor, feature or area.



Zoning by-laws cannot be used directly to preserve natural environment features such as trees, geological formations, waterways, wetlands, etc.

The City's zoning by-law includes special zones for Environmental Protection and Open Space, which prohibit most types and forms of development.

### Planning Applications:

A planning application will most likely be required for most types of development proposed on a parcel of land. The four major planning applications are:

- Official Plan Amendment, which consider proposals to change the Official Plan
- Zoning By-law Amendment, which consider proposals to change the Zoning By-law
- Plan of Subdivision, which establishes lots, blocks and public streets.
- Site Plan Control, which regulate the various features on the site of an actual development including building location, landscaping, drainage, lighting, parking and access by pedestrians and vehicles.

Depending on the circumstances, several of the studies outlined in the Official Plan Section 4 (described above) are required for each type of planning application.

### Conditions of Approval

Approval of a Plan of Subdivision or Site Plan Control application are usually accompanied by a set of conditions, which must be met prior to final approval or during the development phase. Those conditions that pertain to wildlife are as follows:

- Conservation handbooks
  - Excerpt from example included as Appendix F
- Wildlife protocol during construction
  - Movement/migration of wildlife such that they are not isolated.
  - Timing of development (eg outside of bird nesting season, etc).
  - Site management during construction (eg garbage, ponding, open piping).
  - Example of a protocol is attached as Appendix G.
- Natural area setbacks
- Parkland dedication or cash-in-lieu thereof
- Tree conservation
- Protective fencing

A sample of some common subdivision conditions is included in Appendix D.

### Decision Making

Decision-making on planning applications is by City Council, with some decisions delegated to staff and to the Committee of Adjustment. Decisions must be consistent with the Provincial Policy Statement which outlines provincial interests. In most situations, the applicant, concerned citizens, community associations, the City, or any

other party that has taken part in the process up to the rendering of the decision can appeal to the Ontario Municipal Board (OMB). The OMB is an independent administrative tribunal responsible for hearing appeals and making decisions on contentious planning matters.

### Environmental Impact Statement

Where development or site alteration may affect significant natural features and functions, Ontario's Provincial Policy Statement requires that it be demonstrated that no negative impacts will occur. The Official Plan is consistent with this PPS policy, as well as reflecting the City's corporate commitment in its Environmental Strategy (2003) to support the goal of development in harmony with the environment, through ecosystem-based planning and the protection of natural features and functions. The Environmental Impact Statement (EIS) is one of the tools for implementation of this policy. An EIS allows the City and the applicant to identify the potential environmental impacts of a proposed development or site alteration project and plan to avoid or minimize them before they occur.

Required for creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, including the following types of development applications:

- Plans of subdivision;
- Severances;
- Minor variances;
- Site plan control (e.g., building, grading, road widening);
- Zoning By-law amendments; and,
- Official Plan amendments.

### Contents of the Environmental Impact Statement (EIS) Report

- Property Information
- Description of the Site and the Natural Environment
- Description of the Proposed Project
- Impact Assessment
- Mitigation
- Monitoring
- Summary and Recommendations

### Parkland Policy

- Parkland shall be conveyed to the City in conjunction with development of land.
  - Residential: Greater of 5% of land area, or 1 hectare per 300 dwelling units
  - Commercial/Industrial: 2% of land area
- Land conveyed cannot be constrained (eg floodplain)
- City may accept cash-in-lieu of parkland if desirable or appropriate
  - Cash-in-lieu monies are directed to the ward (60%) and city-wide (40%).

- Note that parkland is only a portion of the greater greenspace target for the City of Ottawa, with other greenspace being natural areas and private lands not considered as parkland.
- Generally, parks conveyed through the parkland dedication process are identified for active use, however, in certain circumstances, passive use is accepted.

### Urban Tree Conservation By-law

- The City has a Tree Conservation By-law, which regulates the removal of trees on private lands, and applies primarily to the urban area of the City.
- Removal of a “distinctive tree” (> 50cm dbh), or any tree >10cm dbh on a lot larger than 1ha or with a planning application requires approval by the City.
- Requires submission and approval of a Tree Conservation Report, which includes:
  - Documentation of existing trees on site,
  - Evaluation of their environmental value and ecological function.
  - Identification of retained trees
  - How site attributes can conserve trees (eg parkland dedication, site design)
  - Analysis of vegetation loss and impact on natural systems
  - Impact of development on conserved portions
  - Mitigation and protection measures
  - Impact on fauna and rare species, and mitigation measures
  - Tree planting recommendations
- Tree Conservation Reports may inform decisions or conditions of approval for planning applications.

### Stormwater Management Facility Design

Through planning applications (eg subdivisions) and infrastructure projects (eg arterial roads), there may be a need to design new stormwater management facilities. New facilities are designed to incorporate extensive landscaping and be integrated into the natural environment. Landscaping creates a buffer from surrounding uses, enhances views, improves water quality, new habitat, and creates a dynamic living micro-ecological systems. Landscaping design includes:

- Vegetation
  - Aquatic, riparian, and terrestrial planting
  - Establish linkages to surrounding natural habitat and corridors
  - Native, indigenous plants only; invasive species not permitted
- Fencing not encouraged unless true safety hazard exists
- Rodent grates can be used to prevent nesting

### Building Code

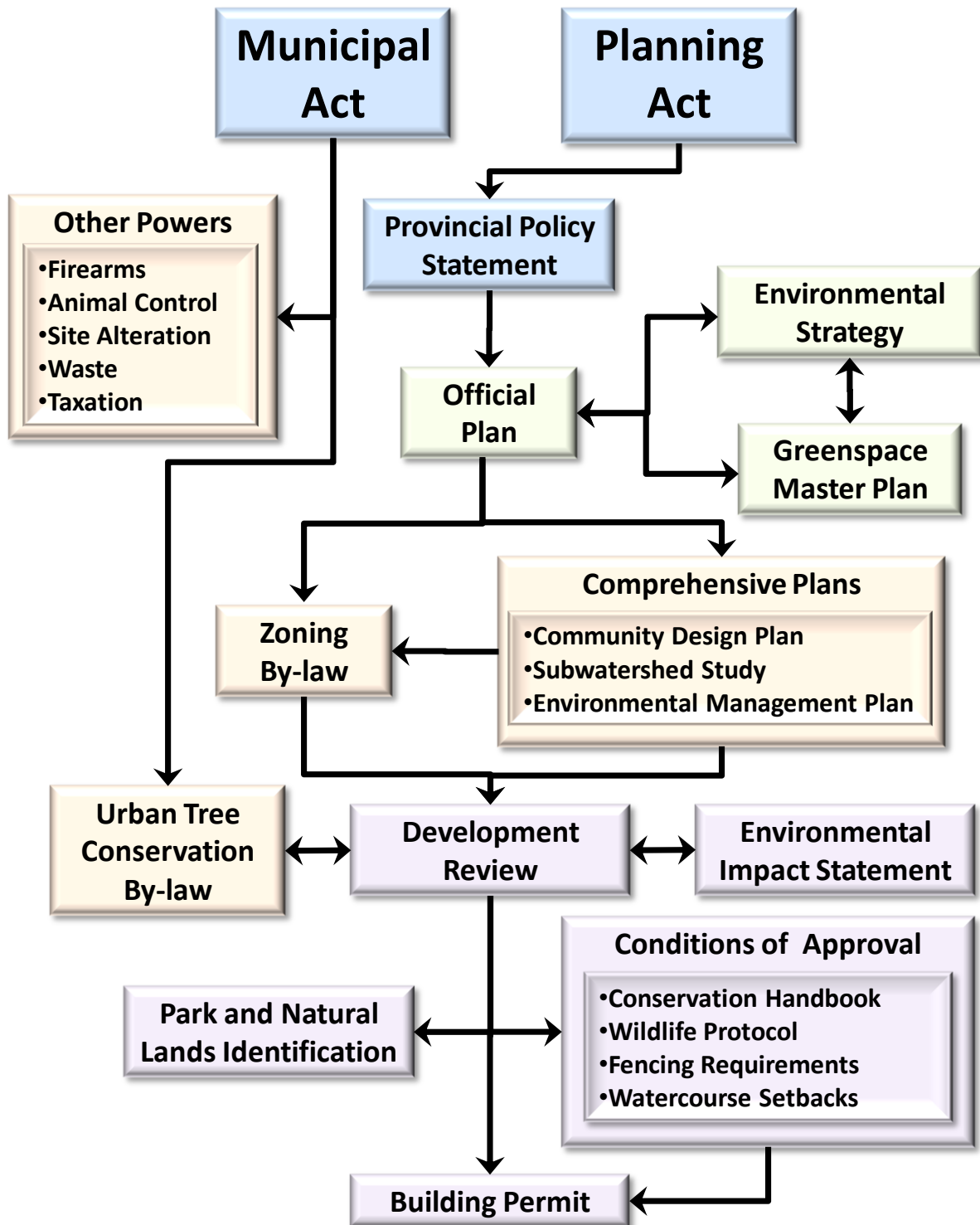
Under the *Ontario Building Code Act*, a building permit is required for the construction of a new building, an addition, or alteration of any building or structure which results in a building area of over 10 metres square.

- The Building Code sets out the construction requirements, such as wall thickness, and acceptable materials. The project must also comply with the Zoning By-law, the City's grading/drainage specifications, and any other **applicable law**.
- The City cannot impose building requirements over and above the Building Code, thus the City is obligated to issue a permit if the application conforms the Building Code, Zoning By-law, grading/drainage specifications, and other applicable law.
- Certain levies, such as development charges and parkland charges, are collected during the permit process.

#### Other Relevant City By-laws

The City has several by-laws addressing a variety of activities in the municipality. Note the *Municipal Act* gives the City the ability to enact a site alteration by-law or rural tree cutting bylaw, but the City has not enacted a by-law for either at this time. A list and brief description of relevant by-laws is included as Appendix H.

Appendix A: Land use planning relationship chart



## Appendix B: Other Legislation affecting Planning

Legislation	Purpose	Interesting /Applicable Elements
<i>Municipal Act</i>	Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters.	<ul style="list-style-type: none"> <li>▪ tree cutting by-laws</li> <li>▪ regulate removal of topsoil and alteration of grade</li> <li>▪ jurisdiction over highways</li> <li>▪ parking lots</li> <li>▪ animal control</li> <li>▪ smoking in public places</li> <li>▪ economic development</li> <li>▪ public nuisance, noise</li> <li>▪ garbage and recycling</li> <li>▪ licensing</li> <li>▪ taxation</li> </ul>
<i>Ontario Heritage Act</i>	To protect heritage buildings and archaeological sites.	<ul style="list-style-type: none"> <li>▪ Part IV – individual building designations</li> <li>▪ Council approved permit required to undertake alterations to any of the identified heritage elements of the property or to demolish any buildings or structures on the property</li> <li>▪ Part V – designation of heritage conservation districts</li> </ul>
<i>Conservation Authorities Act</i>	The objects of a Conservation Authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.	<ul style="list-style-type: none"> <li>▪ mandates CAs to undertake “a program designed to further conservation, restoration, development and management of natural resources”</li> <li>▪ Rideau Valley CA</li> <li>▪ Mississippi Valley Conservation</li> <li>▪ South Nation Conservation</li> </ul>
<i>Environmental Assessment Act (Prov)</i>	The betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management of Ontario’s environment.	<ul style="list-style-type: none"> <li>▪ process to identify potential negative effects and/or benefits of a project or activity on the environment</li> <li>▪ EAs allow the City of Ottawa and its citizens to incorporate environmental factors into decision-making and minimize or avoid adverse environmental effects</li> <li>▪ EA is required for certain types of projects depending on the scope and proponent of the project</li> <li>▪ municipal infrastructure projects (roads, water and wastewater) are assessed for environmental impacts under the Municipal Class EA process</li> </ul>

Legislation	Purpose	Interesting/Applicable Elements
<i>Environmental Assessment Act (Fed)</i>	To ensure that federal projects do not cause significant adverse environmental effects; to encourage sustainable development; to eliminate duplication in the process; to promote communication and cooperation; to opportunities for timely and meaningful public participation in the process.	<ul style="list-style-type: none"> <li>▪ identifies types of projects to be assessed at a federal level</li> <li>▪ specifies process to be followed</li> <li>▪ anticipates transboundary environmental effects</li> <li>▪ establishes Canadian Environmental Registry</li> </ul>
<i>Endangered Species Act</i>	To provide for the conservation, protection, restoration and propagation of species of fauna and flora of the Province of Ontario that are threatened with extinction.	<ul style="list-style-type: none"> <li>▪ identifies habitat to be protected outside of that identified in OP</li> <li>▪ specifically prohibits wilful harm to endangered species that are listed in regulations under the Act.</li> <li>▪ specifically prohibits the wilful destruction of, or interference with, the habitats of endangered species</li> <li>▪ powers to be significantly expanded in 2007 – among the strongest legislation in North America</li> </ul>
<i>Condominium Act, 1998</i>	To outline the requirements for condominium construction and management, and to provide consumer protection to purchasers.	<ul style="list-style-type: none"> <li>▪ Standard, Phased, Vacant Land, Common Element and Leasehold condominiums</li> <li>▪ Requirement for Board of Directors, Annual meeting; Reserve Fund; Disclosure Statement</li> <li>▪ OP contains policies re: conversion of existing rental building to condo</li> </ul>
<i>Development Charges Act</i>	To provide the council of a municipality with the authority to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.	<ul style="list-style-type: none"> <li>▪ Ensures that growth pays for growth</li> <li>▪ Provisions to distribute costs fairly amongst residents</li> <li>▪ Incentives for industrial expansion</li> <li>▪ Permits developers to build municipal services in anticipation of future growth and to be reimbursed for costs beyond their fair share by the subsequent developers who benefit</li> </ul>
<i>Fisheries Act (Fed)</i>	To guide well-managed, stable and viable fisheries and to conserve and protect fish and their habitat	<ul style="list-style-type: none"> <li>▪ conserve and protect fish habitat</li> <li>▪ prohibition the harmful alteration, disruption or destruction of fish habitat</li> </ul>
<i>Ontario Water Resources Act</i>	Ontario Clean Water Agency Water, wells, sewage works, water works, the Act aims to protect both Ontario's drinking water and fresh water resources at large from pollution, whether from industrial sources, sewage systems, chemicals in use at farms, or any other source.	<ul style="list-style-type: none"> <li>▪ enables the passage of regulations regarding Ontario's water supplies</li> <li>regulates sewage disposal and "sewage works" <ul style="list-style-type: none"> <li>▪ prohibits discharge of materials that may impair water</li> <li>▪ regulates water-taking by requiring permits for the taking of more than 50,000 litres of water per day from a ground or surface source</li> </ul> </li> <li>regulates well construction, operation and abandonment;</li> <li>▪ regulates the approval, construction and operation of "water works"</li> </ul>

Legislation	Purpose	Interesting/Applicable Elements
<i>City of Ottawa Act, 1999</i>	Passed in 1999, the Act established the area of the City of Ottawa post-amalgamation, and established the Transition Board.	<ul style="list-style-type: none"> <li>▪ originally a tool to aid in transition to the new City of Ottawa</li> <li>▪ outlines ward boundaries, and the powers of the City and of City Council.</li> <li>▪ gives City the power to establish, operate and maintain a passenger transportation</li> </ul>
<i>Ontario Building Code Act – and – Ontario Building Code</i>	To ensure that buildings are constructed, and that buildings and properties are maintained, in a safe manner. Construction standards are contained in the Ontario Building Code, a regulation under the Act.	<ul style="list-style-type: none"> <li>▪ establishes enforcement by municipalities, boards of health, and province</li> <li>▪ regulates construction and demolition of buildings and structures</li> <li>▪ establishes municipal authority over property standards</li> <li>▪ regulates methods and standards of construction</li> </ul>
<i>Drainage Act</i>	To provide assistance to meet the problems of obtaining a legal drainage outlet, including engineering and financing. Profitable returns from farmland depend on effective drainage.	<ul style="list-style-type: none"> <li>▪ “drainage works” includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof</li> <li>▪ regulates assessments, allowances and compensation</li> <li>▪ regulates construction, maintenance, repair and improvement</li> </ul>
<i>Environmental Protection Act</i>	To provide for the protection and conservation of the natural environment.	<ul style="list-style-type: none"> <li>▪ principal pollution control statute in Ontario</li> <li>▪ prohibits discharges of contaminants into the natural environment in an amount, concentration or level in excess of prescribed regulatory standards</li> <li>▪ prohibits the discharge of contaminants into the natural environment that cause or are likely to cause an adverse effect</li> <li>▪ regulates the approval, construction, operation and closure of waste disposal sites and waste management systems</li> </ul>
<i>Fish and Wildlife Conservation Act</i>	Regulates hunting and fishing and much, much, more	Establishes hunting and fishing seasons, and rules governing both.
<i>Livestock, Poultry and Honey Bee Protection Act (LPHBPA)</i>	Provides compensation for loss of livestock due to predators	Under the Ontario LPHBPA, livestock and poultry producers are entitled to make claims to their local municipality for livestock losses attributable to attacks by wolves, coyotes or dogs. When the owner of livestock or poultry believes that they have suffered a loss of livestock due to predation by a coyote, wolf or a stray dog, the owner should immediately notify



Legislation	Purpose	Interesting/Applicable Elements
		<p>the valuer for their local municipality.  Maximum Amounts of Compensation:</p> <ul style="list-style-type: none"> <li>\$200 per sheep/goat/swine</li> <li>\$1,000 per head of cattle</li> <li>\$500 per horse</li> <li>\$1,000 per year for poultry of one owner</li> <li>\$20 per rabbit, maximum of \$1,000 per year</li> <li>\$100 per fur bearing animal</li> <li>\$35 for bees; \$75 for hive equipment</li> </ul>
<i>Planning Act</i>	Establishes the responsibility of municipalities to regulate land use	<ul style="list-style-type: none"> <li>▪ Requires an Official Plan and regular review of that plan that is consistent with Provincial policy</li> <li>▪ Empowers zoning, Site Plan Control and subdivision of land</li> <li>▪ Establishes approval processes and minimum public consultation requirements</li> <li>▪ Provides appeal mechanisms</li> </ul>

## **Appendix C: Example of Official Plan Policy Framework**

How do the different sections of the Official Plan work together to address the natural environment?

As an example of the way in which the Official Plan addresses a particular policy area, the following describes the approach to environmental protection and wildlife.

Section 1 identifies the ways in which the Official Plan addresses one of the 7 principles of Ottawa 20/20 – A Green and Environmentally Sensitive-City.

Section 2 identifies four strategic directions for “maintaining environmental integrity”. It describes the range of ways in which the City contributes to environmental quality and introduces the policies for planning on a watershed basis including the need for watershed, subwatershed and environmental management plans. All of the references in this Section are on a city-wide basis.

Section 3, Schedule A and Schedule B identify the variety of important natural areas in the City in the rural area, urban area and greenbelt. These include significant wetlands, natural environment areas, urban natural features and other designations. Each land-use designation has associated policies explaining the purpose of the designation, the permitted land uses, possibly an acquisition policy, interpretation of boundaries, and where an environmental impact statement would be required prior to development.

Section 4 lists a whole gamut of studies or assessments that may be required to support a development. These include such matters as assessing impact on fish habitat, tree retention plans, erosion and sediment control plans, stormwater management plans and others. It also requires an ‘integrated environmental review’ that ensures the relationships between the individual assessments are recognized. Finally, it includes a more detailed statement of what is to be addressed in the individual studies. The detailed terms of reference are found outside the Plan and are kept up to date. For example, the City is currently reviewing the terms of reference for Environmental Impact Statements.

Section 5 makes reference to some of the implementing mechanisms to protect the environment such as the acquisition and holding of land and a statement about other by-laws including a woodland preservation by-law.

## **Appendix D: Official Plan Annex 3 - Design**

**6.0 – Design Objective 6 (from S.2.5.1):** *To understand and respect natural processes and features, and promote environmental sustainability in development.*

### **6.1 Design Principles associated with Design Objective 6 (from S.2.5.1)**

To accomplish this objective, design should:

- Protect, integrate and enhance the urban forest, vegetative cover, green spaces and corridors, environmental features and landscapes, and existing topography, where possible and appropriate;
- Reduce resource consumption.
- Reduce the release of contaminants into the environment.

### **6.2 Some Design Considerations for Objective 6 & Associated Design Principles**

***For the city-wide scale, think about such things as:***

- Retaining as much existing natural vegetation as possible, especially along watercourses, on steep slopes and in areas linking green spaces;
- Keeping streams above ground rather than in culverts and preserving their natural meander and surrounding vegetation in a natural condition (e.g. through the setbacks and provisions established in the Official Plan);
- Allowing for controlled public access to natural areas such as urban forests and shorelines through means such as the provision of public trails where appropriate;
- Maximizing the planting of public and private areas, utilizing native species where appropriate and using a diversity of species for overall environmental quality;

***For the neighbourhood scale, think about such things as:***

- Using plant materials to create transitions between urban development and adjacent natural areas and open spaces and between existing and proposed development;

***For the street scale, think about such things as:***

- Orienting the street network and/or building patterns to maximize the opportunity to incorporate passive solar heating;
- Creating 'green streets' that serve to extend or connect environmental features and landscapes through means such as vegetation in widened boulevards and linear greenspace within the right-of-way;

***For the site scale, think about such things as:***

- Preserving existing trees and hedgerows as windbreaks, as a source of shade, as provision of micro-habitat for wildlife, and as heritage features;
- Providing landscaping for shade to mitigate the urban heat island effect and green infrastructure, such as green roofs and permeable pavement, along with high reflective surfaces to mitigate thermal loading of site surfaces and roofs;
- Creating buffers to protect valued natural areas;
- Setting buildings and impermeable surfaces back from streams and other natural features;
- Incorporating source control measures for stormwater management through means such as: perforated drainage pipes, rain barrels, directional flow of roof-top drainage spouts;
- Facilitating natural infiltration by reducing the volume of storm water run-off and decentralizing flows through means such as: decreasing impervious surfaces, reducing roadway surfaces, incorporating permeable pavement surfaces, incorporating green roof technology, grading to natural land contours, preserving

open space through clustering of development, preserving natural stream bank vegetation, and by incorporating grass swales, bio-retention areas, and natural areas that collect flows from large impervious areas (*this Consideration has elements that apply at virtually all scales*);

- Preserving and enhancing significant rock outcrops and vegetation, and significant changes in elevation and other topographic elements in the siting and layout of development;
- Addressing the positive and adverse effects of sun, rain, snow, wind and shade in the layout of development and landscaping to conserve energy and increase comfort (e.g. planting coniferous trees on the north side of a building to provide shelter from prevailing winds and deciduous trees in the south and west for summer shade);
- Minimizing light pollution levels through means such as the location, intensity, type and orientation of lighting sources;
- Minimizing impacts such as the loss of sunlight or privacy in existing outdoor amenity areas through means such as: the provision of sun traps; the use of light-coloured or reflective surfaces to redirect sunlight into adjacent outdoor space; designing buildings and open spaces to capture sunlight reflected by snow; anticipating the impact of shadows potentially cast by development and integrating design measures to reduce or mitigate any undesirable shadow conditions; and ensuring that views from windows, balconies, and driveways, etc. respect the private amenity areas of adjacent development through means such as orientation, design, and screening.

***For the building scale, think about such things as:***

- Incorporating green building technology to ensure resource efficiency, including the use of recycled, renewable, and reused resources to the maximum extent practical;
- Utilizing building rating systems such as 'Leadership in Energy and Environmental Design' (LEED) as a guide to sustainable and environmentally sound building techniques and as a way to systematically design for less energy use and environmental impact;
- Constructing buildings that will serve as environmental showpieces that will prompt others to consider green building practices locally and throughout the city.

## **Appendix E: Examples of Conditions**

### *Wildlife Protection Plan:*

The Owner covenants and agrees that prior to the commencement of any tree clearing or construction with the Subdivision, it will prepare, to the satisfaction of the City, a Wildlife Protection Plan, specifically addressing the deer population inhabiting the Subdivision lands, such plan to include a count of the actual deer population and a proposed strategy or strategies for the relocation and interim protection of the deer.

### *Conservation Handbook:*

The Owner shall prepare, to the satisfaction of the General Manager, Planning and Growth Management, a Conservation Handbook describing the natural attributes of the subdivision and the importance of good stewardship practices to ensure the long-term health and sustainability of the wetlands and woodlots. The Handbook shall be distributed to all purchasers with the Agreement of Purchase and Sale.

### *Homeowners' Awareness Package:*

The Owner shall prepare a Homeowners' Awareness Package highlighting the advantages and responsibilities of a home or landowner living in the natural area. This package is to be included in all Agreements of Purchase and Sale.

### *Timing of Construction:*

The Owner(s) agree to implement, and shall include in the subdivision agreement the following:

- (a) the Owner(s) agree that vegetation removal for the servicing of the development and site preparation of the lots, park and creek corridor lands shall not occur between May 15 and July 10 of any year so as to minimize conflicts with breeding birds;
- (b) the owner(s) agree that site preparation and construction of individual lots be carefully considered between May 15 and July 10 to ensure minimal impact during bird breeding season.

### *Protective Fencing:*

Prior to any site preparation works, the Owner(s) agree to erect protective fencing along the setback perimeter of creek corridor to ensure no disturbance during all construction activities on site, to the satisfaction of the City.

### *Fish Habitat:*

In recognition that the creek is fish habitat, prior to registration of the plan of subdivision, the City of Ottawa shall be satisfied that wording has been included in the subdivision agreement with the local municipality and in all offers of purchase and sale for all lots backing onto the creek corridor, that include:

- (a) Informing the Owner(s) that the purpose of the 15 m setback within the creek corridor is to protect fish habitat and that the natural vegetation within the setback is to be retained.
- (b) Informing Owner(s)s that any unauthorized destruction or alteration to a watercourse or an area of fish habitat is prohibited. Any proposed alteration must be reviewed in detail by the Conservation Authority and may require authorization pursuant to the provisions of the Federal Fisheries Act.

## **Appendix F: Example of Conservation Handbook - Excerpt**

*Homeowners can help protect the natural habitat by following these simple suggestions:*

- Organic methods of pest control are extremely important in areas like this and the use of chemical herbicides and pesticides should be avoided wherever possible. These chemicals contaminate local water systems, are hazardous to children and animals playing on applied lawns, and have been linked to childhood leukemia, cancer and hormone disruption in woman. Several natural lawn care companies are operating in this area;
- The use of informal trails must be avoided. Designated trails have been created through the passive parkland and adjacent to the stormwater management pond in the northeast portion of the site. The use of informal trails will impact the integrity of the wetlands by spreading non-native vegetation and increasing debris and pet access. Avoid making paths in or adjacent to the wetland, and do not litter.
- For the protection of native wildlife, all domestic pets should be kept on leashes and outside of the wetland habitat unless being walked on one of the formal trails. Remember to scoop all pet waste, even in more remote areas;
- Do not remove wildlife, plants or soil from natural areas and do not feed wild animals that can become nuisances such as ducks and geese.
- Native flowers and plants can be obtained from some local seed suppliers and nurseries. Plants taken from the wild rarely survive in household gardens and can quickly deplete the beauty and functions of our natural areas;
- Do not dump yard or household compost waste or other material within the parkland or wetlands;
- Take your household hazardous waste to proper disposal facilities such as Trail Road or weekend depots at various locations in the City during the summer; and,
- Planting of non-native trees, shrubs and other plants should be avoided to reduce the potential for invasive non-native species spreading to the wetland and impacting on the native plants and wildlife. The spread of non-native plants can be controlled by removing them or pruning during or just after flowering to prevent seed production.

## **Appendix G: Wildlife Protection During Construction Protocol - Example**

If a sub-watershed plan is being prepared for an area, potential conflicts between wildlife and construction activities and recommended mitigation approaches should be addressed at a general level with recommendations for more specific measures during the development approval process.

If the proposed development is subject to an Environmental Impact Statement or a Wetland Impact Statement as per Section 5.4 and 5.5 of the Regional Official Plan, recommendations related to mitigating conflict between wildlife and any construction activity should be included within the assessment.

If the above two scenarios are not applicable, the issue will be dealt with through the existing conditions and preliminary tree saving process based on the following screening process.

### **Is the site adjacent to a Natural Environment A or B Area, Significant Wetland, or an Environmental Feature (Schedule K)?**

If yes, then the preliminary tree saving plan should include recommendations on the staging of construction to ensure that potential habitat areas (Natural Vegetation areas) are not isolated from the adjacent environmental area prior to the final stages of construction, and that the timing of construction avoids disturbance of habitat areas during breeding season (generally mid May to end of June)

### **Is there a natural connection (stream corridor, wooded corridor) between the site and adjacent environmental designation?**

If yes, then the preliminary tree saving plan should include measures to ensure that the connection is not severed prior to the final stages of development. During construction these areas should be protected from construction impacts by avoiding temporary stockpiling, snowfencing important areas, and other recommended mitigation measures required.

### **Is there an isolated habitat on the site which could lead to wildlife risks during construction. An isolated habitat is considered to be:**

- a woodland >4ha. in size
- a wetland or area of open water >1ha. in size

If yes, then the preliminary tree saving plan should provide recommendations to reduce risk and disturbance. These recommendations could involve a combination of avoiding construction impacts during breeding season or other critical times and providing some "escape route" if the area is to be disturbed.

The following general steps will also be taken:

- a group including the relevant stakeholders will monitor and review the effectiveness of the protocol by summer 2001.
- in consultation with stakeholders, the Region will prepare of a brief general guideline for urban wildlife issues which will:
  - ⇒ outline for contractors when wildlife contact can be anticipated and appropriate procedures and measures to prevent harm to wildlife during construction,
  - ⇒ outline for builders the types of measures that should be considered in home construction to avoid potential wildlife conflicts.
  - ⇒ provide information for future residents that describes potential ongoing urban wildlife conflicts and appropriate responses.

## Appendix H: Relevant City By-laws

By-law Name and Number	By-law Number	Interesting/Applicable Elements
Zoning	2008-250 [not including amendments]	<ul style="list-style-type: none"> <li>• Land Use</li> <li>• Setbacks, height, density</li> <li>• Restrict development</li> </ul>
Parkland Dedication	2009-95 2009-385	<ul style="list-style-type: none"> <li>• Amount of parkland to be dedicated</li> <li>• Cash-in-lieu of parkland</li> <li>• Form of lands to be conveyed</li> </ul>
Respecting Animal Care and Control	2003-77	<ul style="list-style-type: none"> <li>• number and type of pets</li> <li>• sanitation</li> <li>• leash</li> <li>• registration</li> </ul>
Discharge of Firearms	2002-344	<ul style="list-style-type: none"> <li>• where guns can be fired</li> <li>• not hunting though</li> </ul>
Municipal Trees and Natural Areas Protection	2006-279	<ul style="list-style-type: none"> <li>• removal of trees on public property</li> </ul>
Urban Tree Conservation	2009-200	<ul style="list-style-type: none"> <li>• removal of trees on private property in urban area</li> <li>• trees greater than 10cm dbh</li> </ul>
Property Standards	2005-207	<ul style="list-style-type: none"> <li>• maintenance standards</li> <li>• safety</li> <li>• vermin prevention</li> <li>• garbage disposal</li> </ul>
Fencing	2003-462	<ul style="list-style-type: none"> <li>• fencing specifications (height)</li> <li>• location restrictions</li> </ul>
Noise	2004-253	<ul style="list-style-type: none"> <li>• time of day</li> <li>• construction noise</li> <li>• exemptions</li> </ul>
Solid Waste	2009-396	<ul style="list-style-type: none"> <li>• service and collection</li> <li>• items included in each stream</li> <li>• containers</li> <li>• green bin program</li> </ul>