



TO: MUNICIPAL MANAGER 1990 SEPTEMBER 20

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: **PROPOSED REQUIREMENT FOR PHYSICAL PROTECTION
OF EXISTING NATIVE VEGETATION**

PURPOSE: To respond to Council's request that staff investigate the advisability of requiring the use of snow fencing or other means of protecting existing vegetation in conjunction with future rezoning applications.

=====

RECOMMENDATION:

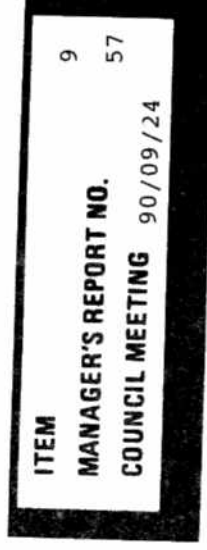
1. **THAT** Council endorse the approach described in Section 3.0 of this report regarding a prerequisite condition to ensure physical protection of existing native vegetation where appropriate, in connection with future rezoning applications.

R E P O R T S

1.0 Council has consistently expressed a strong desire to ensure that the natural environment is taken into careful consideration at every stage of the development process, and has asked staff to emphasize the need for sensitivity to the issues of protection and preservation of significant features in the existing landscape when dealing with developers and designers on new development projects.

To this end, staff have sought to identify issues such as existing watercourses, ravines, areas of significant healthy natural tree growth, noteworthy specimen trees, and similar features early in the development design process, and have made it a practice to encourage a sensitive design response when dealing with owners and their consultants in this regard. Where significant siting influences of this sort are present in the case of rezoning applications, the staff report identifies such features and indicates the need to protect or preserve or otherwise take them into account in the design and construction of the project, and frequently recommends that a prerequisite condition be established to require special attention in this regard. It is not uncommon for other related prerequisites to also be established, such as the registration of easements or restrictive covenants.

2.0 As Council is aware however, notwithstanding careful design and documentation in this regard and the best of intentions on the part of the applicant and/or architects, there have been numerous instances over the years where an area containing trees and other native vegetation, which was designed to be preserved, has been damaged or destroyed in the course of site preparation or construction by careless indifference, or uninformed personnel on the construction site. Such instances have frequently involved the operation of pieces of heavy excavation equipment but sometimes also involve acts such as the casual movement of vehicles or materials, or the temporary storage of construction materials or equipment in areas that were to have been protected.



In the past, staff have encouraged the use of snow fencing or other forms of physical barriers to demarcate on the site the areas that are to be preserved. In numerous instances applicants have cooperated by providing this form of physical protection, with good results in most cases. In other instances, applicants have not been willing to provide this level of protection, but have proposed less substantial measures such as notation on the construction drawings, "flagging" of trees with tape, or the use of tape around the perimeters of stands of trees. In general, these less substantial measures have not been reliable in terms of achieving the degree of protection expected during the critical site clearing/excavation/construction phases of the project.

135

- 3.0 As a result, and in keeping with Council's recent request arising from the recent incident in which excessive clearing for a storm sewer service took place within a registered Conservation Area at a development site on Willingdon Avenue, staff are taking this opportunity to propose the use of a standard prerequisite condition to be used in future cases of rezoning which involve the need for preservation of identified natural landscape features.

With Council's concurrence, future staff reports on rezoning applications which involve sites where the retention of existing trees, watercourse, ravines, or other landscape features is identified as a requirement of rezoning, will include as an item in the list of recommended prerequisite conditions a proposed prerequisite along the lines of the following:

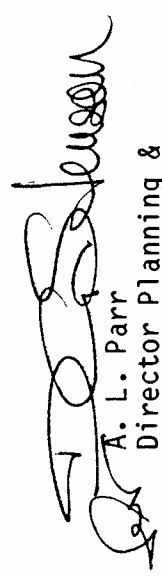
"The submission of a written undertaking to ensure that all areas identified for preservation of existing vegetation are effectively protected by snow fencing or other approved physical containment installed prior to the commencement of any physical work on the site and maintained during the whole course of site preparation and construction work."

Other forms of physical containment could include hoarding or other types of continuous and durable fencing, and would be evaluated prior to acceptance as an equivalent to snow fencing.

Staff would ensure that the location and extent of such required barriers are clearly noted on the site plan and landscape plans in the preliminary design and construction drawings before issuance of Preliminary Plan Approval and Building Permits, respectively. The Landscape Inspector will work closely with the developer/contractor to ensure that the fencing or other containment is in place before the commencement of any work authorized under the permit.

By this means, it is expected that a more effective and consistent management of site operations related to protection of such landscape features will be achieved. Staff will monitor the results of this approach, utilizing the prerequisite condition and mandatory provision of physical protection barriers and advise Council of the success or need for further attention, as the case may be.

Amf
DGS:lf


A. L. Parr
Director Planning &
Building Inspection

cc: Chief Building Inspector
Director Engineering