

Climate Change Action Plan Presentation - revised



[Who are "Friends of Sheldon Creek"?](#)

[link to youtube: Urban Rewilding in Burlington](#)

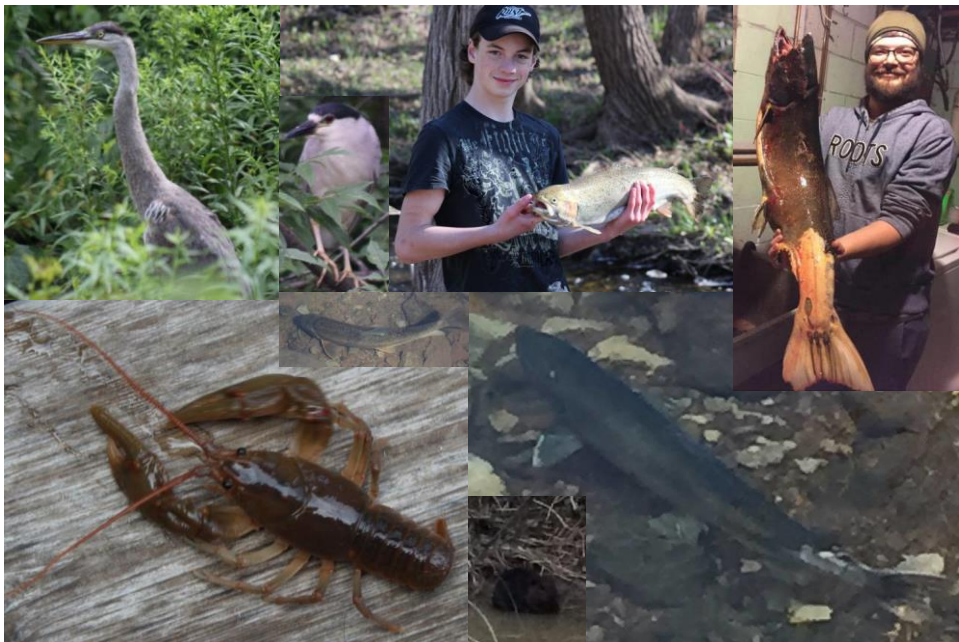
Images from Sheldon Creek



Images from Sheldon Creek



Images from Sheldon Creek



City of Burlington must re-examine all policy, procedures and bylaws in the context of solving 3 serious environmental problems

1) Climate change - reduce GHG emissions, increase carbon sequestration to achieve goal of net zero “energy” and “carbon”

2) Biodiversity crisis – preserve, restore and create habitat for 48 local species at risk. Reduce and eliminate invasive species

3) Environmental toxification – A Healthy community must have a right to know contaminants in our air, water and food, sources of contamination, exposure levels, remediation efforts.

Prelude to Global Extinction:

[Stanford biologists say disappearance of species tells only part of the story of human impact on Earth’s animals – link to youtube video](#)

Propose 2 New City of Burlington Policies

1) Native Species Habitat Restoration Policy

- Whereas the City of Burlington recognizes that biodiversity is both a global and local problem
- Whereas the region of Halton, has 48 listed species at risk of extinction
- Be it resolved tha
- Be it resolved that the City of Burlington develop a policy to encourage and incentivize rural and urban natural habitat restoration efforts , municipally and regionally
- Be it resolved that the City of Burlington review all new policy through the lense of a biodiversity crisis

2) Urban Agriculture Policy

- Whereas the City of Burlington recognizes a Climate Change Emergency
- Whereas the City of Burlington has a poverty problem
- Whereas the City of Burlington supports small business initiatives and employment
- Be it resolved that the City of Burlington develop a policy to encourage and incentivize urban agriculture, share cropping and charitable food donations from urban farms.

Appendix C

Additional Public Feedback on the Climate Action Plan and Staff Response

<p>Burlington-Green</p>	<p>Recognizing the City’s current plan to include green infrastructure and biodiversity in ‘phase 2’ (adaptation) of the Climate Action Plan, we believe it important to include ‘natural solutions’ as an 8th Program Area within the current draft plan. “In nature-based climate change mitigation, ecosystem services are used to reduce greenhouse gas emissions and to conserve and expand carbon sinks” and furthermore “compared to technology-based solutions to climate challenges, nature-based solutions are often lower cost, longer lasting, and have multiple synergistic benefits for a variety of sectors and political goals.”</p>	<p>Thank you for the comment. As noted in the plan, information related to trees and green infrastructure will be considered under Part 2 in the Climate Adaptation Strategy.</p>
-------------------------	---	---

**City of Burlington
2) Biodiversity Action Plan**

Halton Region has 48 species at risk of extinction.

<https://www.conservationhalton.ca/halton-species-at-risk>

City Council must declare a Biodiversity Crisis and create a Biodiversity Crisis Action Plan

The City must set goals to preserve, create and restore habitat for local endangered species

City of Burlington By-law 59-2018 regulates exterior property standards

-presents challenges and opportunities to increase local biodiversity

...as well as reduce GHG emissions and sources of environmental toxins.

Species at Risk in Halton

Home > Nature's Spaces > Biodiversity > Species At Risk > Species at Risk in Halton



17 - Endangered Species
10 - Threatened Species
21 - Species of Special Concern

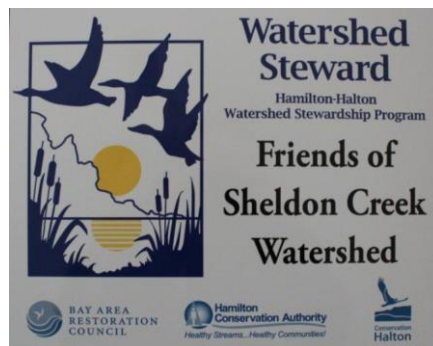


Chicago's Millenium Park

Lurie Garden is an award-winning masterpiece of botanical landscaping. Throughout the year, and for every season, native perennials and bulbs give the garden great diversity, creating a haven for wildlife, birds, and insects. Take free guided tours from May through September, or tour at your own pace throughout the year. Self-guided scavenger hunt worksheets in English and Spanish are also available for family fun as you stroll.

City of Burlington By-law 59-2018

Definition of a “**naturalized area**” a yard or a portion of a yard containing vegetative growth that does not form part of a natural garden that has been deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or *non-native(?), consistent with a managed and natural landscape other than regularly mown grass. >>>



Since “naturalized areas”, typically require less energy, less GHG emissions, less fertilizer, less toxins, and are more likely to create habitat for local species at risk of extinction, they should be encouraged, rather than barely tolerated.

Problem: Many people can't tell the difference between ecologically significant and neglected landscapes.

Solution: Burlington needs a naturalized landscape program to teach residents how to create and manage ecologically significant, low GHG emission and toxicity landscapes.

- An award program would reduce unnecessary or false complaints about neglect and encourage better stewardship.
- Landscapes with >90% natives and habitat for endangered species must be acknowledged and recognized.

City of Burlington By-law 59-2018

“standing water” means non-flowing, uncirculated, motionless, or stale water that has remained in a location for a period exceeding 7 days, but does not include water that is in a covered rain barrel or a swimming pool, hot tub, wading pool or artificial pond maintained in good repair and working condition >>>

Mosquitoes become a problem when water temperatures exceed 16C.

Cold vernal ponds from melting snow that dry up before summer and wetlands are important habitat for many native species including the Blanding’s Turtle, Musk Turtle, Jefferson Salamander and the Western Chorus Frog.



City of Burlington By-law 59-2018

2.1 Every owner of property shall maintain the property in a clean condition. Dilapidated, collapsed or unfinished structures and all accumulation of material, wood, debris or other objects **that create an unsafe or unsightly condition, deleterious to the neighbouring environment shall be removed from the property.**>>>

Who defines “Unsightly”? (Click on image to see location in google maps)



City of Burlington By-law 59-2018

2.5 For property that is greater than 0.4 ha in area, a buffer strip shall be cut to a height of equal to or less than 20 centimeters between May 1 and October 15 in each calendar year, except:

- a) ornamental plants;
 - b) shrubs or trees;
 - c) cultivated fruits or vegetables; or
 - d) plants buffering or otherwise protecting a natural feature such as a watercourse;
- 2.6 Every owner of property shall ensure that grass and ground cover on the boulevard abutting the property is trimmed or cut to a height of 20 centimeters or less and that noxious weeds are removed or destroyed between May 1 and October 15 in each calendar year.

2.9 Provisions in this by-law relating to the trimming of grass and ground cover do not apply to naturalized areas except **that *there must be a buffer strip with a minimum of 0.6 metres in width, containing grass or ground cover trimmed or cut to a height of 20 centimetres or less between any naturalized area and an abutting property not owned or occupied by the person keeping the naturalized area (?) >>>**

Property Standards by-law should encourage habitat for endangered species, low GHG gas emission and low toxicity landscapes that purify our air and water.



City of Burlington By-law 59-2018

5.3 For the purpose of section 5.2, “clean” and “well-maintained” shall mean:

- c) maintained in a clean, sanitary and odour-controlled condition as to not attract ***rodents(?), vermin(?), insects(?), pests or wildlife(?)>>>**

By-Law seems hostile towards local endangered species including:



The **Woodland Vole** is a grayish-brown rodent about 11 to 15 centimetres in length. Its body is suited to its partially subterranean habitat, with small eyes and ears largely hidden in the fur, a very short tail, blunt snout and enlarged front claws for digging. Their cheek teeth are adapted to chewing their herbivore diet of plant stems, bulbs and seeds. Rarely active above ground, Woodland Voles use a system of tunnels, covered runways and burrows to move about. They can remain active in winter, especially in years of good snow cover, when they will supplement their diet with tree bark. **Status: Special Concern**

6.1 An owner of property shall have no more than two compost heaps on the property, provided that:

- a) the piles are located in the rear yard;
- b) each pile is no larger than one metre square;
- c) the height of the pile is not greater than 1.8 metres>>>

Burlington should encourage composting and creating habitat for species that live in leaf litter and under rotting organic material including salamanders and fireflies.

Naturalised Gardens and Municipal Standards By-Laws

An Ontario appeal court has found that wild gardens are a form of freedom of expression protected by the Constitution of Canada [\(link\)](#).

City of Toronto by-law 73-68 stated that "All parts of a dwelling, including the yards appurtenant thereto, shall be kept clean and free from ... excessive growths of weeds and grass ...". Sandra Bell of that city was charged in 1993 by a city building inspector as being in violation of this by-law, due to the appearance of her front yard which she described as "an environmentally sound wild garden". She was found guilty by a Justice of the Peace and fined \$50.

Her appeal of this conviction was heard in 1996 (O.J. No. 3146 DRS 96-18852). Expert witnesses at the appeal included Harry Merrens, a York University geography professor, who testified that current domestic gardens express an urge to dominate or control nature. People who are part of the naturalistic gardening movement are generally motivated by a philosophy with ecological, economic and spiritual goals that seek a more harmonious and restorative relationship with nature. Such gardens still involve some degree of control, but they eliminate the need for chemical pesticides and power tools to control plants, and reduce the use of water. James Hodgins, the editor of Wildflower Magazine, testified that about 90% of native plant species grow naturally higher than the 1' height cited by the building inspector, and that the term 'weed' is a subjective term that has no scientific standing. He noted that Toronto City Hall featured 'ornamental' grasses over a metre high, and that two City parks (High and Yorkville) featured extensive naturalised sections designed by City staff.

The appeal was allowed. The appeal court found that the bylaw did not exceed the authority of the City under its authority to pass by-laws "fixing a standard of fitness for human habitation to which all dwellings must conform". It also, regrettably, rejected the notion that 'weed' was an unacceptable legal description for this purpose. But, it held, for a number of reasons, that the Toronto by-law's primary purpose was an aesthetic one not related to safety, human health, or environmental nuisance, and was therefore void on that ground.

However, perhaps in view of the fact that Bell's front yard was clearly not a shining example of a natural garden, the court went further. It quoted the Supreme Court of Canada that, "the purpose [of the Canadian Charter of Rights and Freedoms] is to ensure that society does not interfere with profoundly personal beliefs that govern one's perception of oneself, humankind, nature, and, in some cases, a higher different order of being." It found that the primary purpose of the by-law was "to impose on all property owners the conventional landscaping practices considered by most people to be desirable" and, as such, infringed Ms. Bell's freedom of expression. It also found that "as between a total restriction of naturalistic gardens and causing some offence to those people who consider them ugly ... some offence must be tolerated."

The Bell case applied to privately-owned property. In 2002, a further ruling in the case of Douglas Counter (2002 CanLII 26796 (ON S.C.)) extended Charter rights of expression to the city-owned boulevard in front of his home which he was required to maintain.

Lorraine Johnson

Author and naturalized garden expert Lorraine Johnson met Mayor Meed Ward at the 2019 World Wildlife Fund and Carolinian Canada symposium on native plants and landscape restoration, at the Royal Ontario Museum in Toronto [\(link\)](#).

Johnson recalls that Mayor Meed Ward spoke passionately about the importance of restoring landscapes and species.

Johnson realizes,

"A lot of people see naturalized gardens as landscapes that are neglected and 'let go,' and that neighbours are often concerned about a perceived impact on their own property values. I realize that the issues are complex and will require huge shifts in attitudes and practices. But we are at a crossroads, facing multiple environmental crises -- climate change, loss of habitats and species -- and what we need now more than ever are landscapes of biodiversity and resilience. Yet cities such as Burlington are using vague and contradictory bylaws to enforce dominant but outdated and environmentally harmful aesthetic "standards." In at least two Ontario court cases over naturalized gardens, the courts have affirmed a gardener's constitutional right to naturalized gardens, subject only to safety and health considerations. Just because someone doesn't like the 'look' of these landscapes is not a good enough -- or even legal -- reason for cities to mandate conformity to a standard that contributes to the environmental mess we're in."





SUBJECT: Private Tree Bylaw Implementation Update
TO: Environment, Infrastructure & Community Services Cttee.
FROM: Roads, Parks and Forestry Department

Report Number: RPF-05-20
Wards Affected: All
File Numbers: 820-01
Date to Committee: January 13, 2020
Date to Council: January 27, 2020

Page 4 of Report RPF-05-20

Example:

30 cm **Norway Maple**, Fair condition (70%). Removal
(30 cm X 70%) = 21 cm.

Construction Risk Factor: 100 % (removal)

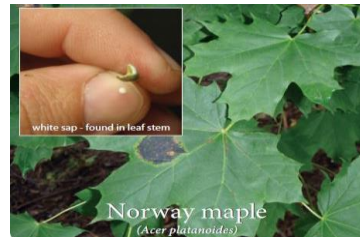
21 cm / 3 = 7

7 – 30 mm* replacement trees would be required, or cash in lieu of **\$2,135.00** payable to the City of Burlington Forestry Section.

If the homeowner replaces trees on their property rather than pay cash in lieu, the cost can be reduced:

Approximate cost for a 30 mm* replacement tree: \$200

Total replacement cost: **\$1,400**



Southern Ontario's native plants existed here for thousands of years prior to European settlement. This diverse group of plants evolved together with indigenous wildlife, adapting to local climate and soil conditions to create stable natural communities we call ecosystems. By contrast, **invasive plants come from outside this geographic area. When they are introduced, there is potential for them to establish themselves and disrupt established ecosystems forcing out native plants.** Fewer native plants results in decreased biodiversity. This can mean less food and shelter for wildlife dependent on native plants. This results in a ripple effect that threatens whole ecosystems and has economic and social implications as well.

The Norway maple is a small to medium sized deciduous tree in the maple family. Native to Europe, it was first introduced to North America for cultivation as an ornamental tree. It and many of its cultivars (such as the crimson king maple) have become popular choices for urban tree plantings due to their tolerance of urban stresses and rapid growth. Because of this, it can now be found all across Canada and the US around urban centers.

Norway maples usually invade natural areas in and around cities because of their use in landscaping. Once established, Norway maples form a dense forest canopy that shades out most other species. The seedlings (which are highly shade tolerant) can form a thick mat on the forest floor that will further limit regeneration of other native trees and shrubs. Because few species can grow in the shade of a canopy of Norway maples, forest floor vegetation becomes more scarce, exposing bare soil, and leading to increased erosion.