

**Champlain Park Community Association (CPCA)**

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

**Report to the Environment Committee, Urban Tree Conservation By-law, 2009-200**

**(File no. ACS2016-COS-PWS-0015)**

**Statistical Summary of Activity, 2010 through 2015**

First, I wish to compliment Staff for pulling together this information. It always is difficult to compile statistical information for a new report. Going forward, it should be much easier for them to provide this type of data.

This report contains valuable, but chilling information on Ottawa's vanishing urban forest. I will deal with what the numbers tell us, particularly where Distinctive Trees (2009-200 Part III) are concerned.

I also will offer suggestions on how to make future reports on the Urban Tree Conservation By-law an even more valuable management tool for City Planners and Communities. We all want the same thing: a green, sustainable City. A solid monitoring program is key as we begin building toward this goal.

**Table 1, Distinctive Tree Permits, 2010 through 2015: 2009-200 Part III (Public Works Department)**

*Note:* col. 1, *Number of Requests* is a simple tally of the calls received through 3-1-1. It contains duplicate calls, status requests, etc. Therefore it cannot be meaningfully analysed in relation to the true number of permits issued.

Missing data:

- Number of Permits Denied. Permits issued plus permits denied gives actual number of requests.
- Tally of Distinctive Trees approved for removal (by definition - "permit application may include multiple trees at the same civic address" - will be higher than number of permits issued.)
- Number of permits issued to infill developers vs issued to residents.
- Number of charges laid for non-compliance with 2009-200 and penalties assessed.
- Confirm that data does not include trees removed due to EAB.

Year	No. of Permits Issued	% Change	Comments
2010	376		
2011	498	32.4	Reasons for this increase?
2012	526	5.6	
2013	458	-1.3	
2014	405	-11.5	Reasons for this decline?
2015	415	2.5	
<b>Total</b>	<b>2678</b> "A Permit application may include multiple trees at the same civic address."  The number of distinctive trees lost exceeds the number of permits.		<b>Six years of Cumulative Loss:</b> <ul style="list-style-type: none"><li>• Trees grow slowly.</li><li>• Many species are not even middle aged at 100 years of age.</li><li>• These losses are not sustainable.</li><li>• Soon, there will be no distinctive trees left.</li></ul>

Note regarding Reporting Frequency:

## Champlain Park Community Association (CPCA)

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

- Committee of Adjustment Decisions on small-scale infill development applications are made year-round.
- Construction activity now occurs year-round.
- Consequently, seasonality may no longer be a significant factor in tree removals, particularly in densely populated urban areas.
- An interim and Annual Report on compliance with 2009-200 may be appropriate under these circumstances.
- **These Reports should contain information on By-law infractions pursued and the progress made to reduce losses.**

### Deforestation is the Status Quo in Ottawa

Distinctive tree loss over this six-year period is greater than numbers of Permits indicate because:

- In 2010, many infill builders and homeowners still were not aware of the By-law. It is unlikely that the number of permits issued accurately reflects the number of distinctive trees removed (possibly this is one reason for the 32.4 increase in permits between 2010 and 2011);
- In all years there are builders who purchase properties, clearcut them and then begin the application to build process;
- **A Permit application may include multiple trees at the same civic address.**

The true loss to the urban forest is orders of magnitude greater:

- The Permit data represents trees that are 50 cm DBH or more.
- Many thousands of trees of substantial size, but less than 50 cm DBH have been removed.

For a few years, the means have been available to mitigate this damage:

- On May 9, 2012, Council approved a set of process changes that would have significantly enhanced the City's ability to protect the urban forest.
- The Urban Tree Conservation By-law was amended to reflect these changes (Sections 2A and 2B); but,
- The changes never were implemented. Site plans continue to show blank-slate lots with no information concerning vegetation on the site or on abutting properties.
- Consequently, the Committee of Adjustment currently lacks crucial information that would assist it in its Decision-making; and,
- Distinctive Trees, even those identified for retention, and Distinctive Trees on abutting properties, continue to be destroyed.
- Enforcement of the *Urban Tree Conservation By-law* has, until very recently, been non-existent.

We applaud the recent work done to enforce the Urban Tree Conservation By-law.

We understand that Forestry and Building Permits have begun to collaborate on implementing the May 9, 2012 process changes.

We would be pleased to be kept apprised of the progress made on both these efforts.

**Table 2: Definitions/Criteria for Table 3**

Inconsistencies and queries:

Category	Definitions/Criteria	Comments
Permit Issued	Includes "issuance of a Building Permit"	<p>This criterion has a qualification. It applies if "...injury or destruction is necessary to install, provide or maintain utilities, water, or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a building permit has been issued."</p> <p>The process changes passed by Council on May 9, 2012 would help to ensure that no building permit was issued before the requirements in the By-law were satisfied. The locations of infrastructure and services are shown on the grading and drainage plan. Tree preservation measures can be developed in this context prior to issuance of a building permit.</p>
Permit not Issued	Includes duplicate records, cancellations, missing documentation (e.g.: Arborist report not provided), trees less than 50 cm, error in work requirement, etc.	<p>Relates to total number of requests received via 3-1-1.</p> <p>This is good information, but it cannot be meaningfully analysed in relation to the true number of permits issued / denied.</p> <p>Are arborist reports now being required? Our experience is that small-scale infill builders promise to provide arborist reports but do not follow through.</p> <p>Assume a checklist could be used to document reasons for not issuing a permit.</p>
Permit Denied	Includes "tree is City-owned"	<p>Protection of City-owned trees falls under the Trees and Natural Areas Protection By-law, (2006-279). This criterion belongs in the "Permit not issued" definition.</p> <p>Improper allocation may overstate the number of Permits Denied for urban trees covered under 2009-200.</p>
No permit - Exempt	Covers removal of Dangerous trees.	<p>Correlation does not necessarily imply causation, however, there appears to be a correlation between the numbers in the <i>Permits Denied</i> and the <i>Exempt</i> columns that should be investigated.</p> <p>Until very recently, the Urban Tree Conservation By-law was not being enforced.</p> <p><b>How many "dangerous trees" became "dangerous" after builders ignored tree protection requirements and severely damaged them during construction?</b></p>

**Champlain Park Community Association (CPCA)**

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

**Table 3, Distinctive Tree Permits 2015, Ward Breakdown**

*Note:* col. 1 in report, *Number of Requests* is a simple tally of the calls received through 3-1-1. It contains duplicate calls, status requests, etc. (Col. 3, *Not Issued*, breaks out the “noise” in col. 1.) Therefore it cannot be meaningfully analysed in relation to the true number of permits issued.

Missing data:

- Total Permits Requested. Permits issued plus permits denied gives actual number of requests.
- Need a tally of Distinctive Trees approved for removal (**by definition - “permit application may include multiple trees at the same civic address” so tree loss numbers are higher than number of permits issued.**)
- Number of permits issued to infill developers vs issued to residents
- Confirm that data does not include trees removed due to EAB.

Ward	Total Actual Permits Requested (issued + denied)	% Approved (issued / total)	Permits Issued	Permits Denied	Exempt (Dangerous Tree)	Total Permits Issued + Exemptions in 2015*
1 Orleans	19	94.7%	18	1	6	24
2 Innes	10	80.0%	8	2	0	8
3 Barrhaven	8	87.5%	7	1	3	10
4 Kanata North	4	100%	4	0	0	4
5 West Carleton-March	0	0	0	0	0	0
6 Stittsville	6	66.7%	4	2	1	5
7 Bay	28	100%	28	0	13	41
8 College	72	88.9%	64	8	6	70
9 Knoxdale-Merivale	38	78.9%	30	8	10	40
10 Gloucester-Southgate	6	100%	6	0	0	6
11 Beacon Hill-Cyrville	30	96.7%	29	1	0	29
12 Rideau-Vanier	16	87.5%	14	2	0	14
13 Rideau-Rockcliffe	33	87.9%	29	4	4	33
14 Somerset	12	91.7%	11	1	1	12
15 Kitchissippi	71	83.1%	59	12	12	71
16 River	24	91.7%	22	2	3	25
17 Capital	32	96.9%	31	1	2	33

**Champlain Park Community Association (CPCA)**

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

18 Alta Vista	30	96.7%	29	1	2	31
<b>Ward</b>	<b>Total Actual Permits Requested (issued + denied)</b>	<b>% Approved (issued / total)</b>	<b>Permits Issued</b>	<b>Permits Denied</b>	<b>Exempt (Dangerous Tree)</b>	<b>Total Permits Issued + Exemptions in 2015*</b>
19 Cumberland	5	80.0%	4	1	1	5
20 Osgoode	0	0	0	0	0	0
21 Rideau-Goulbourn	0	0	0	0	0	0
22 Gloucester-South Nepean	2	100%	2	0	0	2
23 Kanata South	18	88.9%	16	2	4	20
<b>Total</b>	<b>464</b>	<b>89.4%</b>	<b>415</b>	<b>49</b>	<b>68</b>	<b>483</b>

\*Total permits issued plus exemptions (dangerous tree) can be used to estimate tree loss, but is not an exact number. Actual numbers of distinctive trees lost are higher than number of "permits issued".

## Notes:

- College Ward (8) and Kitchissippi Ward (15) together account for 30.8% of all Permits approved in 2015.
- Knoxdale-Merivale Ward (9) at 8.2%, accounts for the third highest number of Distinctive Tree removals. Removals are half those of the two highest Wards.
- Kitchissippi is a compact urban Ward. It is a focal point for infill developers. When trees are lost, there is little or no room to replant either on the property, or anywhere else in the Ward.
  - **Tree losses in Kitchissippi are permanent.**
  - **The cumulative impact is severe.**
- Some other densely developed urban Wards already have few trees. There is no room for replanting, so any losses are severe and permanent.
- Builders do not replant trees even when room is available, even when they show re-plantings on site plans submitted to the Committee of Adjustment.

**Champlain Park Community Association (CPCA)**

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

**Table 4, Tree Permits for Properties Greater than One Hectare (PGMD Foresters)**

**By-law 2009-200 (Part II)**

Year	Number of Planning Applications Reviewed	% change
2009	22	
2010	93	322.7
2011	96	3.2
2012	162	68.8
2013	121	-25.3
2014	191	57.9
2015	131	-31.4
2016	20 to date (April 2016)	

Note: Tree removal permits under 2009-200 Part II are embedded in these Planning Applications.

For 2015 forward, the Planning Foresters will break out the number of Tree Permits issued each year, by Ward.

**Table 5, 2015 Breakdown by Ward: Tree Permits Issued for trees 10 cm or greater in diameter, on properties greater than one hectare in area, within the urban boundary (2009-200 Part II):**

- Handled by the Planning and Growth Management Department;
- Most requests are associated with planning applications (incl.: Plan of Subdivision, Site Plan Control, Common Elements Condominium, Vacant Land Condominium applications)
- Planning Foresters review Tree Conservation Reports with applicants and the development review team to protect and retain trees wherever possible..
- There is a well-developed, transparent process in place.
- Staff work with the applicant to determine the final tree retention and protection plan.
- Staff work with the applicant to ensure that adequate protection will exist for retained trees and trees on adjacent sites.
- Applicants must submit landscape plans which show the trees to be removed and retained.
- **Landscape plans should show vegetation on abutting properties as per process changes approved by Council on May 9, 2012.**
- **Landscape plans should include information on tree species and DBH.**

**Champlain Park Community Association (CPCA)**

(1991 Ontario) Ont/Corp #000923164

Presentation to Environment Committee, 19 April, 2016

Heather Pearl, CPCA Co-chair

**Table 5 Key Observations:**

- **One Permit is issued for each site, so one permit allows removal of multiple trees.**
- **These are large sites, so actual urban tree loss may be extensive.**
- **Kitchissippi and Rideau-Vanier: densely populated, urban. Losses severe and permanent.**
- **Suggested data additions are shown in the four columns to the right of “Permits Issued”.**

Ward	Permits Issued	Total No. Trees removed	Of which: Distinctive Trees	Trees retained	Trees replanted
1 Orleans	1				
2 Innes	2				
3 Barrhaven	2				
4 Kanata North	2				
5 West Carleton-March	0				
6 Stittsville	6				
7 Bay	2				
8 College	1				
9 Knoxdale-Merivale	2				
10 Gloucester-Southgate	3				
11 Beacon Hill-Cyrville	1				
12 Rideau-Vanier	6				
13 Rideau-Rockcliffe	2				
14 Somerset	1				
15 Kitchissippi	6				
16 River	2				
17 Capital	4				
18 Alta Vista	2				
19 Cumberland	2				
20 Osgoode	1				
21 Rideau-Goulbourn	2				
22 Gloucester-South Nepean	?				
23 Kanata South	?				
<b>Total</b>	<b>50</b>				

## **Summary Conclusions:**

These PGMD and Forestry Department reports are a great start. Though they do not reflect the full losses to the Urban Forest during the past six years, the available data prove that action is needed, now.

- Going forward, the actual number of trees approved for removal should be shown, since one permit can allow the removal of multiple trees on a site.
- This information is on the Permit, so should be easy to log.

There seems to be a significant difference in approach to tree protection and preservation between the Forestry section in the *Planning and Growth Management Department* (PGMD) and the Forestry Branch of *Public Works Department*.

- Ottawa's residents would benefit if Public Works' Forestry Branch took the same approach as PGMD re: site visits, working during the planning stage directly with builders on tree preservation plans and doing follow-up to enforce tree preservation and replanting requirements.
- Community Associations and abutting neighbours can be good sources of information during all stages of a development proposal.
- **The process changes passed by Council on May 9, 2012, must be fully implemented.**
  - Interdepartmental and inter-branch integration is needed to ensure that sustainable development practices are embedded in every infill application approved.
- **Enforcement is key to future compliance with the Urban Tree Conservation By-law.**

Currently, where 2009-200 Part III is concerned:

- Few to no controls exist to prevent the removal of healthy distinctive trees. Until very recently, the By-law was not being enforced.
- There appears to be no follow-up to ensure the protection of distinctive trees not approved for removal and protection of trees on abutting properties.
- There appears to be no follow-up of small-scale infill developers to ensure that they replant the new trees shown on their site plans.
- Legal and By-law Services data on infractions must be included in future Reports to Environment Committee.

Urban Planning is so much more than simply fitting buildings into blank-slate property parcels. Ottawa's Official Plan, Management Plans, Secondary Plans and CDP's recognise this and contain many policies that promote sustainable development. Ottawa now is following the lead of many other Cities and is developing an Urban Forest Management Plan, an undertaking that is highly regarded by Ottawa's residents. We know from direct experience that:

- Old thinking promotes relentless hardscaping, which significantly reduces the City's ability to respond to climate change, negatively impacts human health and puts increasing strain on our infrastructure. Old thinking is not sustainable.
- Ottawa's urban forest cover has been declining at a precipitous rate. Cumulative losses during the past few years are significant. Soon, there will be no Distinctive Trees left. There will be few smaller trees left.
- Planning to protect and enhance the environment, planning to preserve and enhance urban forest cover, is key to building a livable, sustainable City.