

**Report to
Rapport au:**

**Environment Committee
Comité de l'environnement
19 April 2016 / 19 avril 2016**

**and Council
et au Conseil
11 May 2016 / 11 mai 2016**

**Submitted on April 12, 2016
Soumis le 12 avril 2016**

**Submitted by
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2016-COS-PWS-0015

SUBJECT: Urban Tree Conservation By-law Update

**OBJET: Mise à jour du Règlement municipal sur la conservation des arbres
urbains**

REPORT RECOMMENDATIONS

That the Environment Committee recommend Council:

1. Receive this report for information.
2. Amend the reporting schedule for the Urban Tree Conservation By-law from a semi-annual to an annual report, as described in this report.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'environnement recommande au Conseil :

1. De prendre connaissance du présent rapport;
2. De modifier le calendrier de production de rapports concernant le Règlement municipal sur la conservation des arbres urbains de façon à exiger la production de rapports annuels plutôt que semestriels, comme décrit dans le présent rapport.

BACKGROUND

In 2009, Council enacted the [Urban Tree Conservation By-law 2009-200](#), which regulates tree cutting on private property within the urban area of Ottawa. At the Environment Committee meeting held on May 5th, 2015, Councillor Leiper tabled Inquiry EC 02-15 (Reporting Requirements for Urban Tree Conservation By-Law) requesting that staff report back to Committee on what reporting options are available and on what frequency to inform Council and residents about the operation of the Urban Tree Conservation By-law, including number of tree removal permits, number applied for, number rejected, and the regulatory basis for granting removal permits under the by-law on a ward-by-ward basis. In response, staff indicated that the By-law has two distinct components administered by two departments on behalf of the City of Ottawa (the Planning and Growth Management department and the Public Works department) and that a semi-annual report back to Committee and Council would be the best approach to providing this information. It is important to note that this report does not form part of the Urban Tree Conservation By-law Review to be conducted during this Term of Council as part of the [By-law Review Strategy](#) approved by Council on June 24th, 2015.

The first component, managed by Planning and Growth Management, applies to trees 10 centimetres in diameter or greater on properties that are greater than one hectare in area and within the urban boundary. The By-law requires that a Tree Conservation Report be submitted by the property owner and approved by the General Manager of

the Planning and Growth Management department before a tree permit for the injury or destruction of any tree is issued. A tree permit is required before any site alteration activities occur, including soil testing and other investigative site works.

The second component of the By-law, as managed by the Public Works department, regulates the injury or destruction of distinctive trees on properties that are one hectare or less within the urban boundary. A distinctive tree is one that is 50 centimetres or more in diameter. In order to obtain a distinctive tree permit, a property owner or condominium / multi-residential property owner is required to complete and file the application with a short report prepared by a certified arborist that confirms the condition of the tree and the reason for removal, as well as submit the required payment of \$100 for the permit. A permit application may include multiple trees at the same civic address if submitted at the same time under the arborist report and application.

DISCUSSION

Reporting Frequency

The Public Works and Planning and Growth Management departments recommend changing the reporting frequency for the Urban Tree Conservation By-law from semi-annual to annual, with a report being tabled in first quarter of the preceding year. Since the demand for permits varies significantly by season, semi-annual reporting will not give a comprehensive overview of how the By-law is functioning. Moving the reporting to an annual basis will ensure that all permit requests for the year are received, providing a more detailed understanding of the impact of the By-law.

Distinctive Tree Permits (Public Works Department)

The table below notes the number of requests received and issued for Distinctive Tree Permits since the enactment of the By-law in 2010.

Table 1 - Distinctive Tree Permit Requests and Permits Issued by Year

| Year | Number of Requests | Number of Permits Issued |
|-------------|---------------------------|---------------------------------|
| 2010 | 1,025 | 376 |
| 2011 | 1,065 | 498 |
| 2012 | 886 | 526 |

| | | |
|------|-----|-----|
| 2013 | 801 | 458 |
| 2014 | 723 | 405 |
| 2015 | 634 | 415 |

The number of requests is defined as the total number of calls received through 3-1-1, which includes requests for information on the By-law, duplicate calls, status of request, etc. The consistent decrease in the number of calls can largely be attributed to the effort made by City staff to educate residents, developers, and arborists on the By-law and its requirements. The number of permits issued has been fairly consistent over the last six years.

In 2015, each request was reviewed, analyzed and classified into one of the following four categories, as defined below:

Table 2 – Categories for Requests

| Category | Definition/Criteria |
|-------------------|---|
| Permit Issued | Permit has been granted for the removal of a distinctive tree by the Forestry Inspector after review of the Arborist Report and on-site visit (as required). Reasons for removal include, but are not limited to: safety concerns; likelihood of causing structural damage to load-bearing or roof structures; being identified on plans approved by the Ontario Municipal Board, Council, or a final binding decision of the Committee of Adjustments; issuance of a building permit; remediation of contaminated soil, etc. For more information on the Distinctive Tree Permit requirements and conditions, please reference the Urban Tree Conservation By-law (By-law No. 2009-200). |
| Permit Not Issued | Service requests received through 3-1-1 that have resulted in duplicate record, cancellation of the request, documentation not received to proceed with permit (e.g. Arborist Report not provided, etc), trees are less than 50 cm, error in work requirement, etc. |

| Category | Definition/Criteria |
|--------------------|---|
| Permit Denied | Requests for a Distinctive Tree Permit that have been denied by the Forestry Inspector after review of the Arborist Report and on-site visit (e.g. tree is healthy, tree is City-owned, etc.) |
| No Permit – Exempt | Request received by the resident/arborist to remove a dangerous tree is exempt from the Distinctive Tree Permit process (ex. as a result of Emerald Ash Borer). |

The table below shows the ward-by-ward breakdown and outcome for each Distinctive Tree Permit request received by the Forestry Services Branch in 2015.

Table 3 – Distinctive Tree Permit Requests and Statistics by Ward

| Ward | Requests | Issued | Not Issued | Denied | Exempt |
|---------------------------|----------|--------|------------|--------|--------|
| 1 (Orleans) | 29 | 18 | 4 | 1 | 6 |
| 2 (Innes) | 14 | 8 | 4 | 2 | 0 |
| 3 (Barrhaven) | 13 | 7 | 2 | 1 | 3 |
| 4 (Kanata North) | 5 | 4 | 1 | 0 | 0 |
| 5 (West Carleton-March) | 1 | 0 | 1 | 0 | 0 |
| 6 (Stittsville) | 8 | 4 | 1 | 2 | 1 |
| 7 (Bay) | 52 | 28 | 11 | 0 | 13 |
| 8 (College) | 85 | 64 | 7 | 8 | 6 |
| 9 (Knoxdale-Merivale) | 54 | 30 | 6 | 8 | 10 |
| 10 (Gloucester-Southgate) | 9 | 6 | 3 | 0 | 0 |
| 11 (Beacon Hill-Cyrville) | 36 | 29 | 6 | 1 | 0 |
| 12 (Rideau-Vanier) | 18 | 14 | 2 | 2 | 0 |
| 13 (Rideau-Rockcliffe) | 43 | 29 | 6 | 4 | 4 |

| Ward | Requests | Issued | Not Issued | Denied | Exempt |
|------------------------------|------------|------------|------------|-----------|-----------|
| 14 (Somerset) | 15 | 11 | 2 | 1 | 1 |
| 15 (Kitchissippi) | 99 | 59 | 16 | 12 | 12 |
| 16 (River) | 33 | 22 | 6 | 2 | 3 |
| 17 (Capital) | 44 | 31 | 10 | 1 | 2 |
| 18 (Alta Vista) | 37 | 29 | 5 | 1 | 2 |
| 19 (Cumberland) | 7 | 4 | 1 | 1 | 1 |
| 20 (Osgoode) | 1 | 0 | 1 | 0 | 0 |
| 21 (Rideau-Goulbourn) | 3 | 0 | 3 | 0 | 0 |
| 22 (Gloucester-South Nepean) | 2 | 2 | 0 | 0 | 0 |
| 23 (Kanata South) | 26 | 16 | 4 | 2 | 4 |
| TOTAL | 634 | 415 | 102 | 49 | 68 |

Tree Permits for Properties Greater than One Hectare (Planning and Growth Management Department)

The Planning and Growth Management department reviews Tree Conservation Reports and issues tree permits for properties greater than one hectare in area. In most cases, these requests are for properties associated with a planning application, including Plan of Subdivision, Site Plan Control, Common Elements Condominium, and Vacant Land Condominium applications.

The table below shows the number of planning applications (including Tree Conservation Reports) reviewed by Foresters in the Planning and Growth Management department each year since the enactment of the By-law in June 2009.

Table 4 - Planning Applications per Year

| Year | Number of Planning Applications Reviewed |
|------|--|
|------|--|

| Year | Number of Planning Applications Reviewed |
|-------------|---|
| 2009 | 22 |
| 2010 | 93 |
| 2011 | 96 |
| 2012 | 162 |
| 2013 | 121 |
| 2014 | 191 |
| 2015 | 131 |
| 2016 | 20 (to date) |

The Planning Foresters work through the review of the Tree Conservation Reports with the applicant and the development review team to protect and retain trees wherever possible. This requires some back and forth between the Forester and applicant before a final tree retention and protection plan is concluded for a given site. Sometimes the tree protection measures shown are not sufficient and staff will work with the applicant to ensure that adequate protection will exist for retained trees and trees on adjacent sites. There are sites where tree retention is simply not possible given development plans or the nature of the site.

The Planning and Growth Management department has been focused on tracking the number of applications reviewed each year. For 2015, the Planning Foresters have started to track the number of tree permits issued each year and will continue to do so moving forward. In 2015, 50 permits were issued in total. The table below summarizes the number of permits in 2015 by Ward.

Table 5 - 2015 Permits Issued by Ward

| Ward | Permits Issued |
|-------------|-----------------------|
| 1 (Orleans) | 1 |
| 2 (Innes) | 2 |

| Ward | Permits Issued |
|---------------------------|----------------|
| 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 |
| Total | 50 |

RURAL IMPLICATIONS

The Urban Tree Conservation By-law applies only to the urban area and urban expansion areas of Ottawa, as defined by Schedule B of the City's Official Plan.

CONSULTATION

No consultations were required as part of this report.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations in the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report or its recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report or its recommendations.

ACCESSIBILITY IMPACTS

There are no direct accessibility impacts related to this report.

ENVIRONMENTAL IMPLICATIONS

The City of Ottawa's Strategic Plan has set specific goals for its urban and rural forests and takes a proactive approach towards the maintenance and protection of these green assets. The Urban Tree Conservation By-law directly supports the priority of environmental sustainability through the protection of mature and distinctive trees.

TERM OF COUNCIL PRIORITIES

The recommendations of this report align to the 2015-2018 Strategic Priority – Sustainable Environmental Services, specifically Strategic Objective ES1 – Support an environmentally sustainable Ottawa. The by-law's goal is to preserve trees and forest cover and ensure the sustainability of the urban forest.

DISPOSITION

Upon approval of this Report and its recommendations, the Public Works department and Planning & Growth Management department will continue to report back to Environment Committee and Council on an annual basis.

