

**Report to
Rapport au:**

**Standing Committee on Environmental Protection, Water and Waste Management
Comité permanent de la protection de l'environnement, de l'eau et de la gestion
des déchets**

17 November 2020 / 17 novembre 2020

**and Council
et au Conseil**

25 November 2020 / 25 novembre 2020

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Submitted by

Soumis par:

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE **File Number:** ACS2020-PIE-EDP-0039

SUBJECT: New Tree Protection By-law – Administrative Updates

OBJET: Nouveau Règlement sur la protection des arbres – Mises à jour administratives

REPORT RECOMMENDATIONS

That the Standing Committee on Environmental Protection, Water and Waste Management recommend that Council:

- 1. Approve the amendments to the Tree Protection By-law as described in the report;**
- 2. Approve the amendment to the Planning Fees By-law, 2015-96 as described in this report;**
- 3. Delegate the authority to the General Manager, Planning, Infrastructure and Economic Development and the City Solicitor to make the amendments described in this report and to bring forward the by-laws to Council for enactment.**

RECOMMANDATIONS DU RAPPORT

Que le Comité permanent de la protection de l'environnement, de l'eau et de la gestion des déchets recommande au Conseil :

- 1. d'approuver les modifications proposées pour le Règlement sur la protection des arbres, telles que formulées dans le présent rapport; et**
- 2. d'approuver la modification proposée pour le Règlement sur les droits d'aménagement (n° 2015-96), telle que formulée dans le présent rapport; et**
- 3. de déléguer au directeur général de la Planification, de l'Infrastructure et du Développement économique et à l'avocat général de la Ville le pouvoir de faire les modifications formulées dans le présent rapport et de présenter lesdits règlements au Conseil en vue de leur adoption.**

BACKGROUND

The new Tree Protection By-law ([ACS2019-PIE-EDP-0052](#)) was approved by Council on January 29, 2020 with an effective date of May 1, 2020. As a result of the COVID-19 pandemic, staff was not able to implement the new by-law on May 1, 2020 as planned.

On June 24, 2020 a motion was carried at Council to direct staff to bring the Tree Protection By-law into effect on January 1, 2021. It also reduced the size of distinctive trees from 50 centimetres to 30 centimetres in diameter at breast height for the inner urban area (the urban lands within the greenbelt).

DISCUSSION

There are four changes affecting two by-laws proposed in this report.

The first two changes affect the Tree Protection By-law as a result of the [June 24, 2020 Council motion](#) to accommodate the reduction of the distinctive tree diameter:

- The definition of “distinctive tree” must be changed; and
- The Tree Compensation Requirements, Schedule “B” of the by-law, must be amended to reflect compensation for trees 30 to 49 centimetres in diameter at breast height.

The third proposed change is a staff-identified administrative change required to the Tree Information Report Guidelines, Schedule “C” of the Tree Protection By-law.

Finally, staff recommend that the \$700 Refundable Tree Planting Deposit in the Planning Fees By-law 2015-96, be repealed.

Distinctive Tree Definition

Reflecting the June 24, 2020 Council motion, it is recommended that the definition for “distinctive tree” be changed from:

“any tree located on private property with a diameter at breast height of 50 centimetres or greater.”

to:

“any tree located on private property with a diameter at breast height of 30 centimetres or greater, within the inner urban area (urban lands within the greenbelt), and with a diameter at breast height of 50 centimetres or greater, within the suburban area (urban lands between the greenbelt and the urban boundary).”

Tree Compensation Requirements

In the Tree Protection By-law, the tree compensation requirement for the removal of distinctive trees associated with infill development is replacement tree planting; three trees for every one tree removed. This was determined to be appropriate for distinctive trees 50 centimetres in diameter at breast height or larger. The distinctive tree diameter

has been decreased to 30 centimetres for private trees within the inner urban area and as such, the associated compensation requirements must be appropriate for smaller distinctive trees.

With more trees now considered distinctive trees, staff recommend using a scaled approach to compensation, based on tree size. Staff recommend that Schedule “B” Tree Compensation Requirements, of the Tree Protection By-law, be changed to reflect the following for infill development scenarios impacting private trees on properties 1 hectare or less in size:

- For distinctive trees 30 – 49 centimetres in diameter at breast height, two trees must be planted to compensate for every tree permitted to be removed (2:1 tree planting ratio);
- For distinctive trees 50 centimetres or greater in diameter at breast height, three trees must be planted to compensate for every tree permitted to be removed (3:1 tree planting ratio).

This approach is used by other Ontario municipalities and it more accurately reflects the applicable loss of tree canopy than if the ratio was kept at 3:1 for all distinctive trees.

Tree Information Report Guidelines

In developing the implementation policies for the Tree Protection By-law, staff determined that one necessary requirement was overlooked when the Tree Information Report Guidelines (Schedule “C”) were developed for the new by-law. Staff recommend that Schedule “C” Tree Information Report Guidelines be amended to add a requirement for the submission of photos of distinctive trees for which a tree permit is being sought. Photos are often submitted with tree permit requests and are helpful for the initial review by the City’s Forestry inspectors. This is a common requirement for tree permits in other municipalities.

Refundable Tree Planting Deposit

In 2016, a \$700 refundable tree planting deposit was added to the Planning Fees By-law, 2015-96, stemming from the 2012 Infill I report, “Low-rise Infill Housing in Mature Neighbourhoods”. The purpose of the tree planting fee was to ensure that new trees were planted and properly maintained in infill development scenarios. For every building permit for infill development (new detached, semi-detached, duplex, and triplex not subject to Site Plan Control or Plan of Subdivision) a refundable \$700 fee is collected by the City. Once a tree is planted at the site, the fee is refunded to the applicant.

The Tree Protection By-law includes tree compensation requirements for the removal of both City trees and privately-owned distinctive trees, in the form of replacement planting and cash to offset the loss of trees that have been permitted to be removed. For example, for the removal of one distinctive tree, two or three new trees will be planted in its place, depending on the size of the distinctive tree being removed. If it is not possible to plant any or some of these replacement trees, the City is compensated in cash for the balance in the range of \$400 to \$1200. The tree compensation program will be implemented by the Forestry Inspectors and it will be integrated seamlessly into the distinctive tree permitting process. Through the new infill process, the Forestry inspectors will be able to provide advice and they will have more oversight in terms of where trees are planted on infill development sites. The new compensation requirements, in conjunction with the new infill zoning soft landscaping requirements, will help to ensure appropriate planting.

Given the new integrated tree compensation requirements in the Tree Protection By-law described above, the \$700 refundable tree planting deposit is now redundant. Staff recommend that, effective January 1, 2021, the Planning Fees By-law 2015-96, be amended to remove the refundable tree planting deposit (By-law 2015-96, Schedule "G", item 14).

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Since the proposed changes are administrative in nature and stemming from the June 24, 2020 Council motion, no public consultation was required. The removal of the \$700 fee was discussed during the Tree By-law Review stakeholder consultations and there was general support for its removal.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to Committee and Council's approval of the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

Trees are a vital part of the City of Ottawa's green infrastructure and they provide numerous benefits and services to residents. Trees are what makes the City of Ottawa a healthy, vibrant, safe and prosperous place to live. Through Ottawa's Urban Forest Management Plan (UFMP), Council has recognized the central role the urban forest plays in public health, urban design, climate adaptation, and resiliency, through the provision of ecosystem services such as shade, mitigation of urban heat island effects, reduced urban run-off, and many mental and physical health benefits. Retaining trees is a core means of building climate resiliency and that will help Ottawa adapt to future climate conditions. Shaded streets and neighbourhoods, for example, help to offset the impacts of a much warmer future. Implementing actions such as those recommended in this report will help to retain, protect, and grow Ottawa's urban forest. In the context of a Climate Emergency, protecting Ottawa's green infrastructure is key to ensuring a prosperous and healthy City into the future.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Environmental Stewardship and Sustainable Infrastructure

DISPOSITION

Upon Council approval, Planning, Infrastructure and Economic Development Department, in conjunction with Legal Services, will prepare the Tree Protection By-law and the amending by-law to the Planning Fees By-law, 2015-96 for enactment by Council.