



MEMO / NOTE DE SERVICE

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TO: Environment and Climate Protection Committee

DESTINATAIRE : Comité de l'environnement et de la protection climatique

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SUBJECT: **URBAN TREE CONSERVATION BY-LAW UPDATE**

OBJET : **RÈGLEMENT SUR LA CONSERVATION DES ARBRES URBAINS –
MISE À JOUR**

PURPOSE

The purpose of this memo is to provide the Environment and Climate Protection Committee (ECPC) with an update on the [Urban Tree Conservation By-law 2009-200](#), which regulates tree cutting on private property within the urban area of Ottawa.

EXECUTIVE SUMMARY

At the Environment Committee meeting held on May 5, 2015, staff were requested to report back to Committee on available reporting options and frequencies about the administration of the Urban Tree Conservation By-law; including the number of tree removal permit applications, permits issued, rejected applications and the regulatory basis for granting removal permits under the by-law on a ward-by-ward basis. The report also recommended that the Public Works & Environmental Services department (PWES) and the Planning, Infrastructure & Economic Development department (PIED) continue to report back to Environment Committee and Council on an annual basis.

The 2016 Urban Tree Conservation By-Law Update report provided 2015 data from PIED pertaining to trees on land greater than one hectare and data from PWES pertaining to Distinctive Tree Permits. This report included information on the number of tree removal permits, number of permit issued/denied, and the regulatory basis for granting removal permits under the by-law on a ward-by-ward basis. Again this year, the 2017 update contains the 2016 data from both administrators of the Urban Tree Conservation By-law, including similar level of details and also includes metrics on the revenue generated since the enactment of the permit fee, as directed by Council through the annual budget process in 2016.

RÉSUMÉ

Lors de la réunion du Comité de l'environnement tenue le 5 mai 2015, il a été demandé au personnel de faire part au Comité des options possibles pour la présentation et la fréquence des rapports sur l'administration du *Règlement municipal sur la conservation des arbres urbains*. Il était entendu que ces rapports indiqueraient, pour chaque quartier, le nombre de demandes d'abattage d'arbres présentées, de permis délivrés et de demandes refusées, et les dispositions du Règlement ayant fondé l'octroi des permis délivrés. Le rapport contenait aussi une recommandation voulant que la Direction générale des travaux publics et de l'environnement et la Direction générale de la planification, de l'infrastructure et du développement économique continuent de rendre compte au Comité de l'environnement et au Conseil tous les ans.

Le rapport de mise à jour de 2016 sur l'administration du *Règlement municipal sur la conservation des arbres urbains* présentait les données de 2015 de la Direction générale de la planification, de l'infrastructure et du développement économique relatives aux arbres sur les terrains de plus d'un hectare, ainsi que les données de la Direction générale des travaux publics et de l'environnement relatives aux permis d'enlèvement d'arbre distinctif. Y figuraient pour chaque quartier le nombre de permis d'abattage demandés, délivrés et refusés et les dispositions du Règlement ayant fondé l'octroi des permis délivrés. Cette année encore, le rapport de mise à jour présente les données de 2016 des deux administrateurs du Règlement, avec le même niveau de

détails, de même que les recettes générées depuis l'entrée en vigueur des droits de permis ordonnée par le Conseil lors du processus budgétaire annuel de 2016.

BACKGROUND

The first report on the Urban Tree Conservation By-Law was brought forward in April 2016. The report recommended that Council approve an annual reporting schedule as the demand for permits varies significantly by season. This ensures that all permit requests for the year have been received and processed, and provides more comprehensive overview of how the By-Law is functioning. The recommendation was approved by Council in 2016.

The Urban Tree Conservation By-law has two distinct components administered by two departments on behalf of the City of Ottawa (the Planning, Infrastructure and Economic Development department and the Public Works and Environmental Services department). The first component, managed by the Planning, Infrastructure and Economic Development department, 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, Infrastructure and Economic Development 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 and Environmental Services 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. As part of the 2016 Council approved budget, all Distinctive Tree Permit applications cost \$100 and must be applied for in person at a Client Service Centre, to cover the administration costs. The change was implemented as of May 24th, 2016.

DISCUSSION

Distinctive Tree Permits (Public Works and Environmental Services 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 - Number of request received 2010-2016

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	414
2016	635	527

The number of requests is defined as the total number of calls received through 3-1-1, which includes such requests as By-law information, duplicate calls and/or statuses of requests. The consistent decrease in the number of calls can be largely 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 seven years.

In 2016, each request was reviewed, analyzed and classified into one of the following four categories, as defined in Table 2, found below:

Table 2 - Permit definitions

Category	Definition/Criteria
Permit Issued	<p>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). The permit has been granted under one of those category:</p> <p><u>Structural Damage</u> refers to damage cause by the tree to property, foundation, roof, underground septic systems, etc</p> <p><u>Injured Tree</u> refers to a tree that has been damaged by vehicle collision, mechanical equipment, lightning, etc.</p> <p><u>Dead Tree</u> refers to a tree that has reached the end of its life</p> <p><u>Dangerous Tree</u> refers to a tree's structural integrity (large cavities, splits, cracks, fruiting bodies, included bark, etc)</p> <p><u>Approved Plan-OMB/Building Permit/Utilities/Infrastructure</u> Refers to a tree that requires removal to complete reconstruction, infrastructure modification, etc.</p>
Permit Not Issued	<p>Service requests received through 3-1-1 that have resulted in duplicate record, cancellation of the request, documentation not received to proceed with permit (eg. Arborist Report not provided, etc), trees are less than 50 cm, error in work requirement, etc.</p> <p><u>Permit Denied</u> Requests for a Distinctive Tree Permit that have been denied by the Forestry Inspector after review of the Arborist Report and on-site visit (eg. tree is healthy, tree is City-owned, etc.)</p> <p><u>No Permit – Exempt</u> Request received by the resident/arborist to remove a dangerous tree, or for ash tree removal (as a result of Emerald Ash Borer), are exempt from the Distinctive Tree Permit process</p> <p><u>Other</u> Request received by the resident/arborist that falls outside the by-law boundaries, for trees < 50 cm, for information only, etc.</p>

Table 3, found below illustrates the ward-by-ward breakdown and outcome for each Distinctive Tree Permit request received by the Forestry Services Branch in 2016.

Table 3 - 2016 Distinctive Tree Permit breakdown (by ward)

WARD #	PERMIT ISSUED					PERMIT NOT ISSUED		
	Structural Damage	Injured Tree	Dead Tree	Dangerous Tree	Building Permit/	Exempt	Denied	Other
2	5	2	3	8	0	0	2	1
3	3	4	0	4	0	0	0	3
4	1	0	0	6	0	1	0	2
5	0	0	0	0	0	0	0	3
6	1	2	0	10	0	0	0	2
7	6	1	1	22	5	5	0	4
8	5	11	4	26	10	1	2	5
9	6	6	6	27	5	2	4	6
10	7	0	0	3	0	0	0	3
11	4	3	1	10	3	1	0	5
12	5	0	0	5	5	0	1	7
13	7	2	5	23	8	1	1	7
14	0	1	0	11	0	0	0	0
15	8	16	3	12	16	3	4	7
16	20	2	2	12	3	2	2	4
17	3	0	2	21	1	0	1	2
18	23	9	2	33	4	0	0	2
19	2	0	0	1	0	0	0	2
20	0	0	0	0	0	0	0	1
21	0	0	0	0	0	0	0	1
22	1	2	0	3	0	0	0	2
23	0	0	1	2	2	0	0	2
TOTAL	122	64	30	249	62	16	18	74

In 2016, through the annual budget process, Council approved the implementation of a permit fee of \$100 for all Distinctive Tree Permit applications. The permit fee covers the administration costs associated with the management and delivery of the Distinctive Tree permits. The permit fee was implemented on May 24th, 2016. In 2016, \$31,000 was generated from the permit fee; which is aligned with the 2016 administrative cost estimate used during the budget process.

Tree Permits for Properties Greater than One Hectare (Planning, Infrastructure & Economic Development Department)

Tree permits on land greater than one hectare and planning files associated with Plans of Subdivision, Site Plan Control Applications, Common Elements Condominium Applications, and Vacant Land Condominium Applications.

PIED Planning Foresters review all Plan of Subdivision, Site Plan Control, Common Elements Condominium, or Vacant Land Condominium applications. Regardless of property size, tree permits are issued for all planning applications involving the removal of trees greater than 10cm in diameter. Table 4, found below lists the total number of planning files per year reviewed by the two Planning Foresters with PIED.

Table 4 - Number of tree files reviewed by year

Year	Number of tree files (D06) created
2009	22
2010	93
2011	96
2012	162
2013	121
2014	191
2015	131
2016	105

The data includes the number of permits issued since the inception of the Urban Tree Conservation Bylaw as well as open files that may require a permit in the future, and closed files where no permit was necessary.

Information on permits issued in 2016 by PIED is provided in Table 5, found below. A total of 66 permits were issued by PIED, 40 of which were from 2016 planning files and 26 were from planning files submitted prior to 2016.

Table 5 - Number of permits issued in 2016 by planning application year

Year of Application	Permits Issued in 2016
2016	40
2015	18
2014	7
2013	0
2012	1
Total	66

Table 6, found below summarizes the number of 2016 permits issued by Ward.

Table 6 - Number of permits issued by ward

Ward	Permits Issued
1	0
2	0
3	2
4	7
5	0
6	6
7	1
8	0
9	0
10	2
11	3
12	2
13	4
14	6
15	3
16	4
17	10
18	6
19	1
20	0
21	1
22	8
23	0
Total	66

CONCLUSION

The Urban Forest Management Plan (UFMP) will be presented at the Environment and Climate Protection Committee on May 16, 2017, and to Council on May 24, 2017. The UFMP will recommend the review of all tree related by-laws, including the Urban Tree Conservation by-law. The UFMP constitute of a series of five 4-year management periods, which will outline the action-based, prioritized recommendations intended to be implemented during each management period. The review of the by-law is scheduled for the first management period.

For additional information regarding trees on land greater than one hectare, please contact Marica Clarke, Program Manager, Natural Systems Policy at 613-580-2424 x21611, marica.clarke@ottawa.ca .

For additional information regarding Distinctive Tree Permits, please contact Laila Gibbons, Director of Parks, Forestry and Surface Water Services at 613-580-2424 x23988, laila.gibbons@ottawa.ca.

Original Signed by

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