

REPORT 9
24 JUNE 2019

EXTRACT OF DRAFT STANDING
COMMITTEE ON ENVIRONMENTAL
PROTECTION,
WATER AND WASTE MANAGEMENT
MINUTES 9
16 JUNE 2020

EXTRAIT DE L'ÉBAUCHE DU
PROCÈS-VERBAL 9 DU COMITÉ
PERMANENT DE LA PROTECTION
DE L'ENVIRONNEMENT, DE L'EAU
ET DE LA GESTION DES DÉCHETS
LE 16 JUIN 2020

ACCELERATION OF *TREE PROTECTION BY-LAW* REVIEW

ACS2020-OCC-ENV-0003

CITY-WIDE

REPORT RECOMMENDATION:

That Council:

1. **Direct staff to amend the new Tree Protection By-law to come into force and take effect on January 1, 2021 and to reduce the size of a Distinctive Tree from 50 centimeters to 30 centimeters in diameter at breast height in the new by-law; and,**
2. **Direct the General Managers of Planning, Infrastructure and Economic Development (PIED) and Public Works and Environmental Services (PWES) to hire up to four temporary resources (three in PWES; one in PIED) required to implement the accelerated Distinctive Tree provisions outlined above using vacant positions, until such time as permanent resources can be established in a future budget using increased permit fee revenues and increased development fee revenues to result in a net zero budget impact.**

At the 16 June 2020 meeting of the Standing Committee on Environmental Protection, Water and Waste Management (SCEPWWM), the Committee was requested, and agreed, to waive the Rules of Procedure to consider a Motion from Councillor McKenney pertaining to the acceleration of the City's Tree Protection By-law Review, as an additional item:

STANDING COMMITTEE ON
ENVIRONMENTAL PROTECTION,
WATER AND WASTE MANAGEMENT

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COMITÉ PERMANENT DE LA
PROTECTION DE
L'ENVIRONNEMENT, DE L'EAU ET
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MOTION N^o EPWWM 2020 09/01

Moved by Councillor S. Moffatt:

That the Standing Committee on Environmental Protection, Water and Waste Management suspend the Rules of Procedure, pursuant to Sub-Section 89(3) of the Procedure By-law, being By-law No. 2019-8, to permit the introduction of the following motion, given the time sensitive nature of the Tree Protection By-law project schedule and the need to secure the necessary resources to effect the changes contemplated as part of this Motion.

CARRIED

MOTION N^o EPWWM 2020 09/02

Moved by Councillor C. McKenney:

WHEREAS the City's Urban Forest Management Plan ([ACS2017-PIE-EDP-0012](#)), approved by Council on June 28, 2017, was established to provide a structured approach to protecting and enhancing the environmental, social, and economical services provided by the urban forest and to ensure that it is healthy and robust into the future; and

WHEREAS the City's Urban Forest Management Plan includes a recommendation for staff to undertake a Tree By-law Review; and

WHEREAS the Tree By-law Review Project report ([ACS2019-PIE-EDP-0052](#)), approved by Council on January 29, 2020, responds to this recommendation by proposing a new, harmonized tree by-law to support the protection and enhancement of the City's urban tree canopy, and includes a planned phased approach for implementation; and

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WHEREAS Phase 1 of the new Tree Protection By-law – aimed at improving tree protection requirements, formalizing compensation requirements, improving submission requirements, increasing application fees to offset implementation costs, and instituting a new special fine designed to eliminate or reduce any economic or financial gain from contravening the by-law - was to come into effect on May 1, 2020; and

WHEREAS Phase 2 of the new Tree Protection By-law – outlining the final proposed changes to the by-law, including decreasing the diameter limit for distinctive trees from 50 cm to 30 cm for the inner urban area, and creating a permit to work around trees – was to be presented to Council in Q3 2020 for implementation in 2021; and

WHEREAS work on the Tree Protection By-law requires procedural and administrative tasks to be done by staff who have been fully or partially redeployed to support the response to and recovery from the COVID-19 pandemic; and

WHEREAS the redeployment of these staff originally resulted in a modified project schedule with a tentative implementation date of November 1, 2020 for Phase 1, and a report to Council in Q3 2021 for Phase 2; and

WHEREAS, upon further discussions with staff and senior management, it has been indicated that – barring a second wave of COVID-19 requiring another redeployment of key staff – it would be feasible to enact, on January 1, 2021, the Tree Protection By-law - including the reduction in the distinctive tree diameter from 50 cm to 30 cm for the inner urban area (the urban lands within the greenbelt), originally to be contemplated as part of Phase 2; and

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WHEREAS, despite the devastating impacts of COVID-19, the protection of trees remains a priority for the City of Ottawa and its residents, necessitating the continuance of work on the Tree By-law Review to align as closely as possible with the original timelines presented to Council in January 2020;

THEREFORE BE IT RESOLVED that Council direct staff to amend the new Tree Protection By-law to come into force and take effect on January 1, 2021 and to reduce the size of a Distinctive Tree from 50 centimeters to 30 centimeters in diameter at breast height in the new by-law;

AND BE IT FURTHER RESOLVED that Council direct the General Managers of Planning, Infrastructure and Economic Development (PIED) and Public Works and Environmental Services (PWES) to hire up to four temporary resources (three in PWES; one in PIED) required to implement the accelerated Distinctive Tree provisions outlined above using vacant positions, until such time as permanent resources can be established in a future budget using increased permit fee revenues and increased development fee revenues to result in a net zero budget impact.

Chair Moffatt spoke to provide background on work that was to have been undertaken, explaining that the COVID-19 Pandemic had affected work and timelines. Ms Martha Copestake, Forester, Natural Systems and Rural Affairs Branch, Economic Development Services, Planning, Infrastructure and Economic Development (PIED) Department, provided a brief overview comparing pre-pandemic plan implementation with the current adjusted staff plan, and how the above Motion would further affect its implementation. A copy of the slide outlining the above is held on file with the Office of the City Clerk.

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Correspondence had been received from the following, as noted:

- Emailed correspondence and supporting slide presentation from Ms Heather Pearl*, Federation of Citizens' Associations in support of the Motion (received in advance of the meeting)
- Emailed correspondence from Ms Maria Luisa Marti*, Friends of James and Bay, in support of the Motion (received following the conclusion of the meeting)

*[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.]*

Questions to staff and Councillor McKenney included, but were not necessarily limited to, matters involving: the necessity for such a Motion; questions of timing (in potentially not allowing for sufficient stakeholder comment and input); and, the need to avoid delays and to expedite tree preservation.

Speaking to their Motion, Councillor McKenney explained that the Motion would achieve the same goals as the original direction, but at an accelerated timeframe. They expressed that trees have a significant impact on health and the well-being of neighbourhoods due to their ability to calm traffic and to cool and clean the air. The Councillor said this would go a long way to keeping the urban tree canopy healthy and would allow the City to move forward with tree preservation.

There being no further discussion, Motion N^O EPWWM 2020 09/02 was put before the Committee and was 'CARRIED', as presented.