

Subject: Streamlining the Provisions for Distinctive Trees in the Tree Protection By-law

File Number: ACS2023-PRE-EDP-0050

**Report to Environment and Climate Change Committee on 21 November 2023
and Council 6 December 2023**

Submitted on November 8, 2023 by David Wise, Director, Economic Development and Long Range Planning, Planning, Real Estate and Economic Development Department

Contact Person: Martha Copestake, Senior Forester - Planning

613-580-2424 ext.17922, martha.copestake@ottawa.ca

Ward: Citywide

Objet: Simplification des dispositions concernant les arbres distinctifs dans le Règlement sur la protection des arbres

Dossier: ACS2023-PRE-EDP-0050

Rapport au Comité de l'environnement et du changement climatique

le 21 novembre 2023

et au Conseil le 6 décembre 2023

Soumis le 8 November 2023 par David Wise, Directeur, Développement économique et planification à long terme, Services de la planification, des biens immobiliers et du développement économique

Personne ressource: Martha Copestake, Experte forestière principale, Direction générale de la planification

613-580-2424 ext.17922, martha.copestake@ottawa.ca

Quartier: À l'échelle de la ville

REPORT RECOMMENDATIONS

That the Environment and Climate Change Committee recommend that Council direct staff to amend the Tree Protection By-law, 2020-340 to reduce the size of a distinctive tree in the suburban area of Ottawa from 50 centimetres to 30 centimeters in diameter measured at breast height, effective February 1, 2024.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'environnement et du changement climatique recommande au Conseil de demander au personnel de modifier le *Règlement sur la protection des arbres* (n° 2020-340) afin de réduire la taille établie pour un arbre distinctif dans le secteur suburbain d'Ottawa, de 50 à 30 centimètres de diamètre mesuré à hauteur d'homme, à compter du 1^{er} février 2024.

BACKGROUND

The City of Ottawa's [Tree Protection By-law](#) came into effect on January 1st, 2021. The tree by-law establishes which trees in Ottawa require a permit for removal, based on tree size, ownership, and location within the city.

For trees on private property one hectare or less in size, in the urban area, a permit is required to remove "distinctive trees" which are defined in the by-law as:

- Trees measuring 30 centimetres or more in diameter at breast height within the inner urban area (urban lands inside the Greenbelt)
- Trees measuring 50 centimetres or more in diameter at breast height within the suburban area (urban lands outside the Greenbelt)

In June 2022, [Council directed](#) staff to consult with the public and bring forward a report amending the Tree Protection By-law to reduce the size of a distinctive tree in the suburban area of Ottawa from 50 centimetres to 30 centimetres in diameter.

DISCUSSION

Ottawa's first private land tree by-law, the Urban Tree Conservation By-law, 2009-200, protected trees 50 centimetres in diameter measured at breast height, or greater on private properties one hectare in size or less across the urban area. The Tree By-law Review project resulted in the creation of the new and consolidated Tree Protection By-law and one of the key changes brought forward was the reduction of the size of trees protected on small private properties, from 50 to 30 centimetres measured at breast height. As a starting point, this was applied only to the inner urban area, where a

high level of tree loss has been observed. However, the intention was to make this change across the full urban area once the staffing levels for the implementation of the new tree by-law could be confirmed.

When the new tree by-law was developed, the purpose of reducing the size of tree protected on small private properties was to have more oversight over more trees in Ottawa, and to ultimately protect more trees.

The difference in how the Tree Protection By-law defines distinctive trees in the inner urban area versus the suburban area results in more trees being protected by the by-law in the inner urban area than in the suburban area. This size difference has caused confusion amongst residents, developers, arborists, consultants and staff around how the tree by-law applies on private property. In addition, the difference implies that smaller trees in the suburbs are less valuable than those in the inner urban area, which is not the case. In fact, the City of Ottawa has committed to growing tree canopy cover across the urban area with a 40 per cent canopy cover target and many policies support the move towards that target in the City's Official Plan.

The new tree by-law has now been in effect for close to three years. Staff have been monitoring implementation and the associated staffing needs. Staff have determined that there is currently sufficient staff capacity for the implementation of a reduction of the diameter of protected distinctive trees in the suburbs from 50 to 30 centimetres in diameter at breast height. If this change is approved, staff will continue to monitor implementation and report back if additional staffing is required to manage the volume of tree permit applications over time.

As directed by Council, staff undertook a public consultation on the proposed change to the tree by-law. A survey was posted on Engage Ottawa for two and a half weeks, from September 21 to October 10, 2023. The survey was promoted by Councillors through newsletters and communications with constituents, by environmental stakeholder groups to their members and followers, on the city's social media channels, and through the City's Climate Change newsletter.

The survey asked residents if they "support amending the Tree Protection By-law to reduce the size of distinctive trees in the suburbs from 50 centimetres to 30 centimetres in diameter measured at breast height". Out of the 1087 responses to the survey, 70 per cent indicated that they support the proposed change to the tree by-law and 30 per cent indicated that they did not support the change.

Given the City's commitment to growing the tree canopy cover in Ottawa, the important role the Tree Protection By-law plays in maintaining and protecting existing trees, and

the results of the Engage Ottawa survey of residents, staff recommend that the Tree Protection By-law be amended to change the size of distinctive trees in the suburban area from 50 to 30 centimetres in diameter measured at breast height.

FINANCIAL IMPLICATIONS

There are no direct financial implications. No additional resources are required to implement the change.

LEGAL IMPLICATIONS

There are no legal impediments associated with the implementation of the recommendation of this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report.

ADVISORY COMMITTEE(S) COMMENTS

N/A

CONSULTATION

Staff undertook a public consultation on the proposed change to the tree by-law. A survey was posted on Engage Ottawa, with relevant background information on the tree by-law, from September 21 to October 10, 2023. The survey was promoted by Councillors through newsletters and communications with constituents, by environmental stakeholder groups to their members and followers, on the city's social media channels, and through the City's Climate Change newsletter.

The survey asked residents if they "support amending the Tree Protection By-law to reduce the size of distinctive trees in the suburbs from 50 centimetres to 30 centimetres in diameter measured at breast height". Out of the 1087 responses to the survey, 70 per cent indicated that they support the proposed change to the tree by-law and 30 per cent indicated that they did not support the change.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management Implications resulting from the recommendations of this report.

CLIMATE IMPLICATIONS

The Urban Forest Management Plan (UFMP) and projects under the UFMP are key instruments to implement the Climate Change Master Plan.

The Climate Change and Vulnerability Risk Assessment (2022) identified several risks requiring attention in the next one to three years related to the urban tree canopy. These include risks to tree health from extreme heat and drought, wildfire, invasive species and pests, additional road salts, and extreme weather such as freezing rain and extreme winds. There will also be increased demand for trees to provide shade and reduce the urban heat island effect to reduce public health risks. The protection of existing healthy trees is fundamental to mitigating these risks.

The Environmental Implications section provides further information on how this report will build climate resiliency and liveability.

ENVIRONMENTAL IMPLICATIONS

The urban forest is a vital part of the City of Ottawa's green infrastructure, and it provides numerous benefits and services to residents. Through the approval of the UFMP, Council has recognized the central role the urban forest plays in public health, urban design, climate adaptation, and resiliency, by providing ecosystem services such as shade, mitigation of urban heat island effects, reduced urban run-off, and many mental and physical benefits. Protecting, growing, and managing the urban forest is a core means of building climate resiliency and of ensuring that Ottawa is adapting to future climate conditions. Shaded streets and neighbourhoods, for example, are essential for ensuring liveability in a much warmer future.

RISK MANAGEMENT IMPLICATIONS

N/A

RURAL IMPLICATIONS

This report has no rural implications.

TECHNOLOGY IMPLICATIONS

Public Works staff will work with IT Services staff to make the required minor changes to the online tree permit application form.

TERM OF COUNCIL PRIORITIES

This report has a direct impact on the following 2023-2026 Term of Council priority:

- A city that is green and resilient.

SUPPORTING DOCUMENTATION

N/A

DISPOSITION

Upon approval, Planning, Real Estate and Economic Development (PRED) and Public Works (PW) will implement the directions from this report, accordingly, including necessary changes to all related processes and procedures, and the development and implementation of a communications plan to provide the necessary information to internal staff and the public.

Upon Council approval, PRED, in conjunction with Legal Services, will prepare the by-law for enactment by Council, with an effective date of February 1, 2024.

PRED and PW will work with Public Information and Media Relations to develop and carry out a communication plan and provide the necessary information to internal staff and the public.