

## Urban Tree Conservation Strategy and the By-law

In our "green" era, climate changes, ozone depletion - it is almost a sacrilege to "hate" a tree. There are trees we don't like in certain settings or because they cause damage to sidewalks, foundations or invade our septic, but in general they can be beautiful and interesting and worth the effort to keep. It would take a really "problem" tree for most of us to consider cutting. Yet massive tree cutting within a Natural Environment Area in Kanata caused much uproar and ultimately resulted in a proposal of the by-law to regulate tree cutting and preserve woodlands. The by-law was highly controversial in the rural areas and was ultimately deferred. The continuing practice of clearing of forested areas in anticipation of future development proved that the City has no ability prevent tree cutting.

Public consultations indicated that there is not only strong public support toward restrictions on tree-clearing in advance of development gave but also a need to preserve "big old trees" in older neighbourhoods although there was concern about placing restrictions on private land.

Urban Tree Conservation strategy was developed to address the key issues which were:

- Pre-development tree clearing
- Protection of big, old trees in existing neighbourhoods

The proposed by-law would regulate the cutting of trees in the urban area of the city. There are two parts to the proposed by-law;

- The first part applies to property greater than 1 hectare in size. It would require a city-approved Tree Conservation Report before tree removal can occur on a given property. It would be implemented primarily through the development application process.
- The second part applies to distinctive trees on property 1 hectare or less in size. It would require that residents obtain a permit to remove a distinctive tree. A distinctive tree is defined as a tree that is at least 70 cm in diameter (220 cm in circumference).

### FACTS AND COMMENTS

- The removal of trees that are an immediate hazard to public safety, such as those trees that are affected by ice storms and wind storms, is exempt from the by-law. This means that a permit would not have to be obtained to remove hazardous trees and the permit fee would not have to be paid.
- The permit application fee is a fee per application. The application may be to remove one or more trees. So, if the application is to remove more than one tree, only one permit fee would be required.
- The staff is looking into how to cover roots in septic systems under the by-law. The change will be introduced when the by-law is discussed at Council. Staff will ask that disruption of septic systems be added to Section 20 of the by-law. The removal of trees for the construction of a new well or installation of a new septic system would fall under the category of Section 20 (g), no reasonable alternative to the injury or destruction and a permit would be granted.

- Many questioned the need for the posting of the permit (in the window) for seven days to ensure that neighbours are aware that a permit for the removal of a tree has been issued by the city. If the neighbour has an issue with that, they can contact the City to discuss it. At the present there is no process to appeal or otherwise dispute permit granting.
- In the rural areas trees are often considered slow growing weeds and any regulatory efforts are seen as intrusion into private property. One kilometer buffer is not seen as well thought as rural residents were not consulted and had no opportunity to provide comments. As the city is fast growing the buffer zone needs more detailed studies.
- Pruning in accordance with good arboriculture practices is exempted and no permit is needed.
- The by-law basically addresses development lots but does not provide much protection for smaller infill lots when it is really tied up to the development application. With much attention being focused on intensification within the existing boundaries, infill lots clearing may become more common and better protection will be vital. The by-law will not address pre-application clearing or clearing of more than few trees at once.
- There are concerns that additional documentation (expert reports) may be needed to prove the need for the tree removal.
- Since all by-laws are by nature responsive (complain based), there should be a way to make the process less bureaucratic and less adversarial. If less bureaucratic/adversarial approach is selected, the by-law will protect all trees not just the distinct ones.

The report for the proposed strategy can be found at:

<http://ottawa.ca/calendar/ottawa/citycouncil/pec/2009/06-09/9-ACS2009-ICS-PLA-094%20-%20Urban%20Tree.htm>.