

Tree Protection Recommendations

Recommendation:

That the November 29, 2017, City Operations report CR_5059, be received for information.

Previous Council/Committee Action

At the July 5, 2017, Urban Planning Committee meeting, the following motion was passed:

That Administration review existing bylaws and enforcement policies and return with recommendations for tree protection including a possible Tree Protection bylaw.

Executive Summary

The Corporate Tree Management Policy, despite revisions, does not currently provide the tools for effective enforcement of tree protection on public property. Work has begun on several new tools and processes to improve tree protection, including investigating potential changes to legislation. The new tools and/or processes for tree protection include:

- the introduction of a tree protection plan to the Temporary Construction Access Authorization Permit (TCAAP). This permit has been amended to require a tree protection plan at time of submission for all instances where temporary access across a boulevard is required.
- the introduction of a new process to the Site Specific Direct Control Provision (DC2). Since June, 2017, tree preservation plans are now requested at time of rezoning application for the purposes of encouraging mature tree preservation. By requesting these plans at rezoning, Administration requires that tree protection be considered, in most cases, prior to demolition of the existing structure.

Moving forward, Parks and Roads will be meeting with the City's Law Branch and other internal stakeholders to determine what, if any, changes need to occur to ensure adequate tree protection. These enhancements may include the development of a Tree Protection Bylaw, if required.

Report

At the July 5, 2017, Urban Planning Committee meeting, Administration presented its findings in respect to the Corporate Management Tree Policy C456A and its effectiveness in protecting city trees (CR_4124). While the current policy does set the direction for tree protection, and is effective in guiding tree protection and canopy preservation where city-lead infrastructure renewal and development are concerned, its procedures have limitations in respect to regulating external entities. Consequently, Administration determined the policy was not the correct tool to enforce tree protection in these instances.

With the rapid pace of infill development occurring across the city, including in mature neighborhoods with mature, tree-lined streets, city trees adjacent to construction sites have the potential to be negatively affected by damage associated with construction. Administration recently implemented practices to address sources of damages but is committed to reviewing additional options for tree protection, including possible changes to City Bylaws. Some of these options have already been implemented, with progress occurring with respect to protection of city trees near construction through the form of more stringent permitting and inspection practices.

New Tools and/or Processes for Tree Protection

The following are some of the process changes that have recently been implemented to improve protection of city trees:

Temporary Construction Access Authorization Permit (TCAAPs)

The Temporary Construction Access Authorization Permit (TCAAP) has been in use by the City for a number of years. Historically, it has been used for temporary rural crossing access locations with or without a temporary culvert. Through consultation with the Law Branch, the Temporary Construction Access Authorization Permit has been modified and can now be used for all instances where temporary access across a boulevard is required. The Temporary Construction Access Authorization Permit has recently been amended to require a tree protection plan at time of submission. These permits are currently issued as part of the On-Street Construction and Maintenance (OSCAM) permit process.

Prior to issuing the permit, a City Forester reviews the tree protection plan to ensure it adequately complies with City guidelines. The plans are then forwarded to the Infill Compliance team for future reference during site visits. Permits can be revoked for non compliance.

Due to recent updates to the City's tree protection guidelines, educational material has been developed to ensure applicants understand best management practices for tree protection, and to provide examples for reference when building a protection plan (see

Attachment 1). This material has been made available both on the City website and in print form.

Since July, 2017, Forestry has received over 200 tree protection plans, submitted with Temporary Construction Access Authorization Permits to review.

Site Specific Development Control Provisions

A Site Specific Direct Control Provision (DC2) is a type of zoning that enables City Council to regulate development in any manner it considers necessary. Many of these developments include large infill construction in mature neighborhoods where 10 to 20 mature city trees may be affected by the development.

Currently, the Corporate Tree Management Policy does not provide the City with adequate means to request developers to consider city trees in their development plans. In June, 2017, Parks and Roads Branch Forestry and City Planning Branch developed a new process, whereby tree preservation plans are now requested at time of rezoning application for the purposes of encouraging mature tree preservation.

By requesting these plans at rezoning, tree protection is considered, in most cases, prior to demolition of the existing structure. Further, requesting a tree preservation plan at the rezoning phase, prior to the development being approved, provides the opportunity to amend a development at the concept phase in order to support mature tree preservation if trees had not previously been considered in the design.

Since July, 2017, Parks and Roads has reviewed 20 development applications where rezoning has been requested. The building industry has been very supportive of this new process and has worked with our Foresters to complete these plans. As tree preservation plans are a new concept for Edmonton, Administration is providing educational material to local consultants who have been working on these plans on behalf of the developers.

Next Steps

A review of possible changes to municipal bylaws is underway. The best course of action needs to be carefully considered to ensure minimal impacts to service delivery.

Over the course of the next few months, Parks and Roads will be meeting with the City's Law Branch and other internal stakeholders to determine what, if any, changes need to occur to ensure adequate tree protection. These enhancements may include the development of a Tree Protection Bylaw, if required.

Corporate Outcomes and Performance Management

Corporate Outcome: Edmonton is an environmentally sustainable and resilient city			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Parks, green spaces, natural areas, river valley are protected	the # of City trees protected from impacts related to development or construction	To be collected in 2018	100% of City trees retained during construction or development are adequately protected from loss or damage, or damages mitigated to acceptable levels
Corporate Outcome: The City of Edmonton’s operations are environmentally sustainable			
Effective and Efficient Service Delivery / Process	# of Temporary Construction Access Authorization Permits issued with tree protection plans	200 Temporary Construction Access Authorization Permits reviewed and issued in 2017	Tree protection as per guidelines for 100% of developments requiring access across a boulevard for construction
	# of tree preservation plans vs Direct Control provisions where City trees are involved	All Direct Control Provisions issued since July have been engaged in tree preservation efforts	Tree preservation plans for 100% of Direct Control Provisions where city trees need to be considered in construction

Attachment

1. Tree Protection Brochure

Others Reviewing this Report

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- L. McCarthy, Deputy City Manager, Urban Form and Corporate Strategic Development
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services
- C. Campbell, Deputy City Manager, Communications and Engagement