

## Let's Talk Trees: Moving forward with new policies & regulations

### **RECOMMENDATION:**

That the Sustainability and Environment Committee host an open house and meeting to invite public comment on the proposed tree management policies and regulations.

### **PREVIOUS COUNCIL/COMMITTEE ACTION**

December 19, 2017 – Finance and Intergovernmental Committee

*That FIG authorize staff to prepare a strategy for a tree canopy target, draft an amended Tree Bylaw, and bring forward work program adjustments for its further consideration.*

### **REPORT SUMMARY**

This report describes changes proposed to be made to current regulations and implementation practices applicable to trees on both public and private properties. It outlines draft amendments to the Official Community Plan being suggested to enhance its policies and identifies recommended changes to current tree regulations.

Adoption of the Official Community Plan policy amendments would require a public hearing, while the adoption of a new tree bylaw and other regulatory changes does not necessarily entail a further opportunity for public input. There was substantial interest expressed during the “Let’s Talk Trees” program with respect to the specific changes but, at that time, there were no specific proposals for changing current tree protection and replacement requirements. As it is anticipated that the public will wish to comment on these proposals, this report recommends Committee provide an advertised opportunity for public input prior to finalizing the changes or recommending that the bylaw amendments be given formal consideration by Council.

### **BACKGROUND**

Early in 2017, the City embarked on a review of its tree regulations to respond to a number of concerns with respect to current targets and how the City managed the urban forest. Recognizing that the City needed to do more to protect its trees, the 2017 “Let’s Talk Trees” program was implemented, a program which yielded valuable insight as to public expectations for how the City manages its trees.

The report considered by Committee on December 19<sup>th</sup> outlined a number of potential policy, regulatory and procedural amendments. The Committee indicated it would support changes that would not only be intended to retain, but also to enhance the City’s existing tree canopy of 23.8%. To do this, Committee supported options that would see elimination of the opportunity for owners to cut one tree per year without a permit fee, require replanting of the tree, impose greater restrictions on the cutting of significant trees, and require that owners compensate for the cutting of a significant tree by being required to plant two replacement trees. If on-site tree planting was not an option, Committee endorsed the concept of collecting funds to allow for off-site planting.

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At the February 21, 2018 meeting of the Sustainability and Environment Committee, staff provided a report for information identifying the milestones to be met in Committee's 2018 Work Program that would carry out the direction set by the Finance and Intergovernmental Committee with respect to amending the City's tree policies and regulations.

### **DISCUSSION**

**Policy Changes:** The direction provided by the Finance and Intergovernmental Committee in December indicated Council would look favourably to setting a tree canopy target based on the accumulated results of changed tree cutting regulations, with the intent that the tree canopy ultimately to be achieved could be higher than if we were to take an approach of setting a target to retain the current canopy of 23.8%. Accordingly, it would be premature to include a target in the Official Community Plan at this time. It is proposed that three of the environmental policies in Section 7.4, Environment and Parks be amended to implement this direction and better guide Council and staff decisions (*draft wording for discussion*):

- replace Policy 8, "Promote the preservation and planting of trees through DPAs [development permit areas] and development control, road infrastructure projects, and the Tree Protection Bylaw", with the following expanded policy:
  - (8) Promote retention of existing trees in consideration of rezoning, development permit, heritage alteration and development variance permit development approval processes by allowing variances to minimum building setbacks, number or size of required parking stalls, driveway locations or other regulations as determined applicable;
- replace Policy 9, "Require landscaping, preferably with native trees and plants, on intensive residential, commercial, and industrial development sites" with the following policy:
  - (9) Promote enhancement of the tree canopy by providing for the planting of more trees through appropriate design of roads to accommodate street trees, ensure landscape plans for new developments accommodate and require a diversity of trees, preferably with native species, and consider opportunities to achieve additional trees as conditions of development approvals.
- Augment Policy 11, "Support and participate in programs to improve air and water quality" as follows:
  - (11)
    - (a) Support and participate in programs to improve air and water quality; and,
    - (b) Develop programs to promote and celebrate significant trees within the community, identify trees considered to have heritage values and include these in a heritage registry, establish a city-wide tree data base, manage wildfire risk and adopt a comprehensive tree management plan.

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## Tree Bylaw Changes:

The City's current tree bylaw, Tree Bylaw, 2005, No. 3474, is substantially out of date. A new bylaw will be brought forward that includes revised requirements and reflects best practices; the fees and charges presently included in this bylaw will be replaced with new fees included as a schedule to the Fees and Charges Bylaw. A draft bylaw is in process and would be finalized following direction from Committee to bring forward an amending bylaw.

The following table presents the major regulations proposed to be included in the new Tree Bylaw, and compares the current regulations with those being proposed.

Element	Current Regulation	Proposed Regulation
<b>Minimum tree size to require a tree cutting permit</b>	DBH <sup>1</sup> of the tree is larger than 20 cm.	DBH of the tree is larger than 15 cm  Height of the trees exceeds 5m  Any replacement tree  A tree on City-owned property <i>(if proposed to be cut by anyone other than the City)</i>
<b>Definition of what constitutes a "significant" tree</b>	A significant trees must be one of the following: <ul style="list-style-type: none"> <li>• a large native species</li> <li>• a wildlife tree (used for bird nest)</li> <li>• a registered heritage tree, or</li> <li>• an unusual specimen tree</li> </ul>	A significant trees must be one of the following: <ul style="list-style-type: none"> <li>• a rare native species with a diameter &gt; 10cm. per list<sup>2</sup></li> <li>• a dead, standing snag used as wildlife habitat</li> <li>• a tree designated and registered by size, age or cultural significance on a list of heritage trees</li> <li>• a very large tree with a diameter &gt;60 cm. (about 2')</li> </ul>
<b>Requirement to replant a cut tree that is not a significant tree</b>	Not required	Require that one replacement tree must be planted for each tree that is removed.
<b>Requirement to replant a cut tree that is a significant tree</b>	Negotiated for replacement at time of permit issuance	Require that two replacement trees must be planted for each significant tree that is removed

<sup>1</sup> Diameter at breast height, or DBH, is a standard method of expressing tree size (the diameter of a tree trunk).

<sup>2</sup> Pacific Dogwood; Arbutus; Western Yew; Western White Pine; Gary Oak; Oregon Ash > 10cm.;

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Element	Current Regulation	Proposed Regulation
<b>Permit payment of cash-in-lieu of replanting</b>	Not in bylaw, but often negotiated	A payment of \$500 per tree may be provided in lieu of on-site planting
<b>Requirement to post a tree cutting permit</b>	Not referenced (or requested)	Require that the permit be posted in a visible location during cutting
<b>Removal of a tree deemed hazardous<sup>3</sup></b>	Exempted from permit requirements	Removal allowed without a permit if an owner considers a tree to be at immediate risk of failure, but a permit must be acquired from City within 2 days.  No charge for a permit to cut a tree deemed a hazard.
<b>Requirement to install protective fencing around trees that are to be retained</b>	Required as a condition of development approval or, in some situations, through negotiation at time of tree cutting permit issuance for sites where some trees are to be cut	Ensure protective fencing is installed prior to issuance of a permit for demolition, soil removal or soil deposit In addition to a condition of development approval or tree cutting permit.
<b>Fees to cut a tree</b>	No permit fee is imposed for a permit to cut one tree per year on a property  Permit fee of \$50 plus \$20 per tree for an owner of a single family lot to cut more than one tree per year  Permit fee of \$75 plus \$25 per tree for an owner of a lot other than single family to cut more than one tree per year	Permit fee of \$100 for each tree approved to be cut.

<sup>3</sup> Hazard is determined by a qualified tree assessor; if a tree is cut because the owner believes it is in imminent danger of failing, the subsequent permit is reviewed by the Manager of Parks.

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Element	Current Regulation	Proposed Regulation
<b>Penalties for contravention</b>	<p>Range from \$100 to \$500.</p> <p>One replacement tree is required to be planted for each unauthorized tree that was removed</p>	<p>Range from \$200 (e.g., failure to display permit) up to \$4,000 (for removing a significant tree without a permit).</p> <p>Three replacement trees to be required for each unauthorized tree that was removed.</p>

### **FINANCIAL IMPLICATIONS**

The funds collected in lieu of tree planting would be set aside in an account to be used for the planting of trees.

### **PUBLIC CONSULTATION**

The *Let's Talk Trees* program invited comments and opinions on various directions the community could take with respect to trees but the public has not been informed of the proposed regulations. Holding an informal open house and public meeting is recommended to provide an opportunity for the public to respond to these regulations before they are brought forward for formal consideration by Council. This event would be well advertised including information posted on the City's website, published in the Tri-City News and brought to the public's attention through the City's social media.

### **OPTIONS**

(Check = Staff Recommendation)

#	Description
1 	Approve proceeding with an open house and public meeting hosted by the Sustainability and Environment Committee to provide for public input on the proposed amending bylaws before formal introduction
2	Request changes to the proposed amendments to be made prior to bringing forward amending bylaws.
3	Authorize staff to bring forward an Official Community Plan amendment bylaw, a replacement tree bylaw, and associated bylaw amendments (Fees & Charges, ticketing) directly to Council.

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