

# Report to Council



**Date:** March 8, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Municipal Properties Tree Bylaw No. 8042 - Amendment  
**Department:** Parks Services

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## **Recommendation:**

THAT Council receives, for information, the March 8, 2021 report from the Urban Forestry Technician with respect to the Municipal Properties Tree Bylaw No. 8042;

AND THAT Bylaw No. 8042 being the Municipal Properties Tree Bylaw Amendment No. 2 be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 12172 being Amendment No. 26 to the Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

## **Purpose:**

To amend the Municipal Properties Tree Bylaw to enhance tree protection standards and the City's ability to address non-compliance.

## **Background:**

The Municipal Properties Tree Bylaw was adopted in 1997 and last amended in 2005. The purpose of the bylaw is to provide control and management of trees located on city-owned property. The bylaw also prohibits any planting of trees on city-owned property without permission of the Parks Department.

The proposed updates to the bylaw will support the objectives and policies of the 2030 Official Community Plan, including the objective to ensure environmentally sustainable development (Objective 5.15), the objective to maintain and enhance Kelowna's biodiversity and natural resources (Objective 6.1 and 6.3) and protection of our urban forest canopy (Policy 6.3.1).

## **Discussion:**

### **Proposed Amendments and Reasoning:**

Schedule A identifies the proposed bylaw amendments. In summary, the most significant changes include:

- the addition of Schedule C, which provides for a Tree Barrier and Installation Policy that sets a standard for tree protection.  
Setting a standard for tree barrier configuration and installation will provide guidance to protect existing trees and critical root zones on city-owned property during any demolition or construction work that occurs nearby. The proposed standard is comparable to those required by other municipalities and has proven effective. Without this protection, trees are often compromised during construction, but the damage does not show up until much later.
- an increase of fines levied through the Bylaw Notice Enforcement No. 10475 from \$100.00 to \$500.00 for infractions related to Bylaw No. 8042.  
The associated fines for infractions outlined in Bylaw No. 10475 (Bylaw Notice Enforcement) are currently set at a maximum of \$100.00 for each infraction, which are not functioning as an effective deterrent. Staff recommend increasing fines to \$500.00; the maximum allowable.
- the increase of maximum penalties enforceable under the Offence Act from \$2,000.00 per infraction to \$50,000.00 per infraction.

Staff in the Parks Department regularly provide valuation for trees that have been damaged or irreparably harmed. Trees are assessed based on species, size, location, condition and other factors, as quantified by the Guide for Plant Appraisal from the Council of Trees & Landscape Appraisers (CTLA). High-value trees can range from \$30,000.00 to \$40,000.00 or greater, while low-value trees are typically assessed between \$2000.00 to \$3000.00. The increased penalty for infractions is intended to reflect and demonstrate the value of City-owned trees, as a key component of our green infrastructure. Compensation and replacement costs may be sought in addition to these penalties.

## **Conclusion:**

The Municipal Properties Tree Bylaw is an effective mechanism to manage trees on city-owned land but requires updating to reflect ongoing challenges and objectives. The proposed amendments help ensure existing trees are protected, in order to prevent the costs associated with replacement, the many years of lost interim benefits the tree would provide, and potential negative impacts to our existing and future canopy cover goals.

## **Internal Circulation:**

Bylaw Services Manager

Clerk's Office

Communications Department Manager

Development Planning Department Manager

Infrastructure Operations Manager

Park Services Manager

Planner II

Policy & Planning Department Manager  
Urban Forestry Supervisor

**Considerations applicable to this report:**

***Financial/Budgetary Considerations:***

All revenues collected through the Municipal Properties Tree Bylaw are contributed to the Tree Planting & Replacement Reserve to be used for future tree replacement. This increase in fee, along with the contribution to reserve, will be included in the 2022 Financial Plan.

***Existing Policy:***

Bylaw No. 8042, Municipal Properties Tree Bylaw  
Bylaw No. 10475, Bylaw Notice Enforcement

**Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: T. Bergeson, Urban Forestry Technician

**Approved for inclusion:**



Joe Creron, Deputy City Manager - Operations

cc:

D. Gazley, Bylaw Services Manager