

Report to Council



Date: August 22, 2022
To: Council
From: City Manager
Subject: Tree Protection Bylaw No. 8041 Amendments
Department: Development Planning

Recommendation:

THAT Council receives, for information, the report from the Development Planning Department dated August 22, 2022, with respect to updating the Tree Protection Bylaw No. 8041;

AND THAT Bylaw No. 12025, being Bylaw Amendment No. 2 to the Tree Protection Bylaw No. 8041 be forwarded for reading consideration.

Purpose:

To update the bylaw regulating the removal and replacement of trees in riparian management areas and hazardous condition (steep slope) areas.

Background:

Previous Council Resolution

| Resolution | Date |
|---|---------------|
| R0416/22/06/13 THAT Council receives, for information, the report from the Development Planning Department, dated May 30, 2022, with respect to urban tree canopy enhancement options; AND THAT Council directs staff to investigate the implementation requirements for the preferred six actions and report back to Council. | June 13, 2022 |

Discussion:

Based on the direction provided by Council, staff have developed amendments to the existing Tree Protection Bylaw No. 8041 in order to better align the bylaw with the natural environment protection

objectives of the new 2040 Official Community Plan. Specifically, increasing the urban tree canopy is a key objective.

The core intent of the bylaw remains unchanged. It defines trees protected under this bylaw as trees within Riparian Management Areas (RMAs) and steep slope areas (i.e. slopes exceeding 30%). These areas are defined within the 2040 Official Community Plan under the Natural Environment and Hazardous Condition Development Permit Area chapter.

The amendments proposed will address:

- Damage to protected trees is prohibited – this concern is highlighted more strongly in the proposed amendment wording and penalties for offences against the bylaw, which will support staff enforcement of tree retention particularly in areas where construction along an easement or property line may damage roots.
- Under the current bylaw, permits may be waived for diseased/hazardous trees. It is recommended that this exemption be amended to require a permit, although a retroactive permit would be given for emergency removals, to ensure trees are replaced. Ensuring replacement trees was a key Council directive from the June 13, 2022 resolution, in recognition of the 2040 OCP urban tree canopy expansion goals.
- The definition of a Protected Tree has been updated to reflect the current practice of requesting tree cutting permits for most trees within Riparian Management Areas and on slopes greater than 30%, in keeping with the 2040 OCP direction of “no net loss” of ecosystem services.
- Replacement requirements have been adjusted to align with the formula proposed by Urban Forestry staff.
- Invasive species are exempted from removal permit requirements in order to encourage their removal.
- Wildfire mitigation pruning is exempted from the permitting requirement to encourage land owners to effectively maintain and protect their property from wildfires.
- Tree Protection Barrier, the temporary fencing recommended to protect tree roots, is defined and instructions are provided to encourage effective protection of retained trees.
- Clarified application requirements to support applicants with clear instructions, in particular the requirement for the tree to be assessed by a certified arborist or registered professional forester.
- Updated security deposit requirements to be consistent with other security deposit regulations enforced for landscaping.
- Added option to pay for replacement trees that would be planted off-site, but only if there is insufficient room on site for the multiple replacements required.
- Added more detail on the length of time applicants should expect to maintain a tree within a natural area to support its establishment. Most trees need three to five years of care and maintenance, primarily watering/irrigation, to become established. Following this period, healthy trees should not need supplemental irrigation.
- General housekeeping to clean up/modernize terminology.

Conclusion:

Staff propose the above amendments to improve tree protection outcomes in sensitive environmental areas. The amendments will address several gaps in protection and replacement requirements for trees in areas where they are particularly important for wildlife habitat.

Internal Circulation:

City Clerk

Parks

Considerations applicable to this report:

Legal/Statutory Authority:

The Community Charter enables Council to “regulate, prohibit or impose requirements in relation to [...] trees” (sections 8(3)(c), 50 and 52). The Community Charter provides municipalities with the rights to provide services and develop bylaws including the development of Tree Bylaws and Official Community Plan environmental protection provisions. Also, The Local Government Act sets out in S.527 (1) that a local government may, by bylaw, require, set standards for and regulate the provision of screening or landscaping for one or more of the following purposes: ... (b) preserving, protecting, restoring and enhancing the natural environment; and (c) preventing hazardous conditions.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements

Existing Policy

Financial/Budgetary Considerations

External Agency/Public Comments

Communications Comments

Submitted by: Jennifer Miles, Environmental Coordinator

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for inclusion: Ryan Smith, Director Planning and Development Services

Attachments:

Schedule “A”: Summary of Changes

Schedule “B”: Revised Tree Cutting Permit Application