

## Schedule A – Proposed Text Amendments to Bylaw No. 8041

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	2.1 (a) Applicability	This bylaw applies to all lands listed in Schedule A – Tree Cutting Permit Areas of this bylaw; and	2.1 (ii) <u>trees within covenant areas.</u>	Schedule A is redundant and should be deleted. It includes specific lands with covenants, but does not cover all tree protection covenants added since the original adoption.
2.	2.1 (a) Applicability	(i) within a designated stream corridor leave strip as identified in Table 2.1 PUBLIC ROUTES OF ACCESS AND FISH-BEARING STATUS OF STREAMS, and Table 2.2 STREAM CORRIDOR LEAVE STRIP STANDARDS of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600	This bylaw applies to: (i) <u>all lands designated as being within a Natural Environment/Hazardous Condition Development Permit Area as established by Kelowna Official Community Plan, as amended, which are either within a Riparian Management Area or on a slope of 30% or greater; and</u>	Updated wording to be consistent with the 2040 OCP
3.	3.1 Definitions		<u>"City" means the Corporation of the City of Kelowna.</u>	Added for consistency with other bylaws.
4.	3.1 Definitions	"DBH" means a tree diameter at breast height (1 m above grade);	"DBH" means a tree <u>trunk diameter measured</u> at breast height (1 m above grade). <u>For multi-stemmed trees this measurement is equal to the cumulative total of the DBH of the three largest stems;</u>	Clarify how multi-stemmed trees are measured.
5.	3.1 Definitions		<u>"damage" means any action which will cause a tree to decline in health or die, including, but not limited to: ringing or removing bark, poisoning, burning, topping (unless branches are weak/diseased), raising/lowering the grade within a Tree Protection Zone, stockpiling material or driving within a tree protection zone, cutting roots, excavation impacting</u>	Added to clarify prohibitions.

			<u>roots, or excessive pruning (exceeding 25% of live branches within a 12 month period);</u>	
6.	3.1 Definitions	"Director of Planning & Development Services" means the person appointed by <del>Council</del> as such and includes <del>his or her lawful deputy</del> ;	"Director of Planning & Development Services" means the person appointed by the City as such and includes <u>the person's lawful designate</u> ;	Updated wording for consistency with current bylaws.
7.	3.1 Definitions		<u>"drip line" means a circle on the ground around a tree trunk that corresponds to and is directly below the tips of the tree's outermost branches;</u>	Add clarity to tree protection zone definition.
8.	3.1 Definitions		<u>"fruit tree" means any tree, fruiting or flowering, of the Genus Malus, Prunus, Pyrus, or Cydonia;</u>	Add clarity to exempted tree types.
9.	3.1 Definitions; 7.0 Permit Application Procedure (subsections b, c, d)	"group of trees" means a tree massing that includes a minimum of 20 trees with a maximum spacing of 5 m between each tree;	Deleted all references	Definition unnecessary as site plan must identify all trees – a group would be easily identified.
10.	3.1 Definitions		<u>"invasive tree" means Siberian Elm (Ulmus pumila), Russian olive (Elaeagnus angustifolia), and Tree of Heaven (Ailanthus altissima) in addition to any other species identified by the provincial invasive species authority;</u>	Add clarity to exempted tree types.

11.	3.1 Definitions		<u>"Tree Protection Zone" means the area of land around the tree that must be protected to prevent damage to roots, defined by an arborist, which should include the area below the dripline (see Schedule A for details and drawing).</u>	Added definition to enhance tree protection during construction and encourage improved tree retention.
12.	3.1 Definitions	<del>"leave strip" means an area established to protect the riparian zone of all streams identified in Tables 2.1 and 2.2 of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600. Leave strips along stream corridors with banks which have a slope of greater than 10% shall be measured from the top of the bank. Leave Strips along streams with moderately sloping banks (less than 10% slope) shall be measured from the normal high water mark. The Leave Strip width is as determined in Table 2.2 of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600.</del>	<u>"Riparian Management Area" means an area of sufficient width to include any significant natural attribute and adjacent ecosystem (e.g. vegetation, water features, fish and wildlife habitat, escarpments, terraces, steep valley sides and cliffs) adjacent to a water course, linking aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream and the size of which is determined based on the water course location as identified in the Official Community Plan.</u>	Removed old "leave strip" terminology to ensure consistency with current 2040 OCP RMA terminology.
13.	3.1 Definitions	"permit" means a Tree Cutting Permit issued pursuant to <del>Section 7.0</del> of this bylaw;	"permit" means a Tree Cutting Permit issued pursuant to this bylaw;	Removed specific section number to avoid misinterpretation.
14.	3.1 Definitions	"professional engineer" means a professional engineer registered under the Engineers and Geoscientists Act, with experience in geotechnical engineering;	Deleted all references	Removed as this profession is not qualified for assessing trees.
15.	3.1 Definitions	"protected tree" means any tree with a diameter of <del>150</del> mm or more measured 1 m above grade (DBH); <del>which is:</del>  (a) <del>located within a designated stream corridor Leave Strip within a Natural Environment/Hazardous Condition Development Permit Area as identified in Kelowna Official Community Plan (1994-2013) Bylaw No. 7600;</del>	<u>"protected tree" means any tree within the lands to which this bylaw applies with a diameter of 100 mm or more measured 1 m above grade (100 mm DBH);</u>	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 and Riparian Management Area definition.

		(b) <del>located on a slope with a grade equal to or greater than 30% and which is within a Natural Environment/Hazardous Condition Development Permit Area as identified in Kelowna Official Community Plan (1994-2013) Bylaw No. 7600;</del> or (c) <del>any tree located on land listed in Schedule "A" of this bylaw;</del>		
16.	3.1 Definitions	"qualified person" means a <del>professional engineer,</del> landscape architect, or a certified arborist;	"qualified person" means a landscape architect, <u>registered professional forester,</u> or a certified arborist;	Updated to include relevant professional expertise relating to wildfire mitigation and forests.
17.	3.1 Definitions	"replacement tree" means a tree planted <del>on a property to replace a tree which has been removed or damaged on the same property;</del>	"replacement tree" means a tree required to replace a tree which has been removed or damaged;	Removed redundant wording and provide option for replacements off-site.
18.	4.0 Prohibitions	4.1 Except as authorized by Section 5.0 of this bylaw, no person(s) including owners shall cut down, or allow to be cut down, or damage a protected tree without first obtaining a permit issued pursuant to this bylaw.	4.1 <u>No person(s) including owners shall damage a protected tree willfully. If damage occurs, the responsible person will be required to replace the damaged tree according to the permitting provisions of this bylaw.</u> 4.2 Except as authorized by Section 5.0 of this bylaw, no person(s) including owners shall cut down, or allow to be cut down, a protected tree without first obtaining a permit issued pursuant to this bylaw.	Highlighted prohibition of damage, to deter tree loss and protect public safety, by splitting this section into two parts.
19.	5.0 Exemptions	(a) the <del>removal</del> or pruning of dead, diseased or damaged trees or limbs by standard arboricultural practices as identified by a qualified person and approved, in writing, by the Director of Planning & Development Services;	5.1 (a) the pruning of <u>protected trees to address dead, diseased or damaged limbs,</u> when the prior approval of the Director of Planning & Development Services or their designated agent is given and the pruning follows standard arboricultural practices <u>to avoid tree damage;</u>	Adjusted to ensure all protected tree removals are considered under the permitting process.
20.	5.0 Exemptions		5.1 (b) the pruning of limbs, within 2 m of the ground or touching structures (and less than 30% of the live canopy), to mitigate wildfire risk;	Added to allow wildfire mitigation pruning without requiring a permit.

21.	5.0 Exemptions /6.0 Delegation of Authority	5.1 (b) the emergency removal of dangerous or hazardous trees or limbs by standard arboricultural practices as which is to be reported immediately to the Director of Planning & Development Services;	6.1 (a) allow the emergency removal of dangerous or hazardous trees or limbs by standard arboricultural practices <u>prior to permit issuance</u> if reported immediately to the Director of Planning & Development Services;	Moved to Section 6, to allow discretion in the application of permit requirements while supporting OCP 2040 policy to replace trees.
22.	5.0 Exemptions		5.1 (a) the removal of invasive trees;	Exempts nuisance invasive trees from the permitting process to encourage their removal.
23.	6.0 Delegation of Authority	6.1 (g) refuse issuance of a permit if a report prepared by a qualified person(s) as <del>described in Section 7.1(h)</del> of this bylaw, finds that the proposed cutting may create adverse impact(s);	6.1 (g) refuse issuance of a permit if a report prepared by a qualified person(s) finds that the proposed cutting may create adverse impact(s);	Clarification.
24.	7.0 Permit Application Procedure		<u>7.1 Permit applications will be considered for the removal of dead, diseased or damaged trees or limbs. The hazard posed must be clearly identified by a qualified person who, in writing, confirms the dangerous or hazardous tree or limb must be cut down based on their professional expertise. Permit applications may also be considered if the tree is causing damage to property, including damage to roofs, retaining walls and sidewalks, that standard arboriculture practices cannot rectify.</u>	Clarifies the conditions under which tree cutting permits may be considered.
25.	7.0 Permit Application Procedure	7.1 (b) the location of each tree <del>or group of trees</del> on the property with a DBH of <del>150 mm or greater within a stream corridor leave strip and/or area of slope with a grade equal to or greater than 30%</del> (tree protection area), including trees within two metres of the property line on an adjacent property; 7.1 (c) a site plan clearly identifying which tree(s) <del>or group(s) of trees</del> including type	7.2 (b) the location of each <u>protected</u> tree(s) on the property, including trees within two metres of the property line on an adjacent property;  (c) a site plan ( <u>preferably an air photo</u> ) clearly identifying which <u>protected</u> tree(s) are requested to be cut down, including the type (coniferous or deciduous) and size (DBH) of the tree(s);	Clarifies that permit is relating to the specified trees (defined as protected) that this bylaw applies to and removes redundant text.

		(coniferous or deciduous), size (DBH) and number of trees which are requested to be cut down; (d) a site plan clearly identifying <del>which trees or group of trees including type and size which</del> are to be retained;	(d) a site plan clearly identifying trees that are to be retained;	
26.	7.0 Permit Application Procedure		7.2 (h) <u>the certification credentials of the qualified person;</u>	Added to aid staff in adjudicating applications
27.	7.0 Permit Application Procedure	7.2 Upon receipt of an application for a <del>Tree Cutting Permit, the contents of which complies with Section 7.1 of this bylaw,</del> the Director of Planning & Development Services may issue a permit with or without conditions, including but not limited to any of the following:	7.3 Upon receipt of an application for a Permit the Director of Planning & Development Services may issue a permit with or without conditions, including but not limited to any of the following:	Removed redundant text.
28.	7.0 Permit Application Procedure	7.2 (c) that the employees and authorized agents of the City of Kelowna be permitted to enter onto the land at any reasonable time to carry out assessments and inspections to determine whether the terms of <del>the tree cutting permit</del> are being complied with;	<u>7.3 (c)</u> that the employees and authorized agents of the City of Kelowna be permitted to enter onto the land at any reasonable time to carry out assessments and inspections to determine whether the terms of <u>this bylaw</u> are being complied with;	Clarification to allow staff the opportunity to inspect prior to permit issuance.
29.	8.0 Security Deposit	8.1 The applicant is required to submit a security deposit for full and proper compliance with all terms and conditions in the permit, including provision of all replacement trees, materials and maintenance required for site reinstatement.	<u>8.1 At the discretion of the Director of Planning &amp; Development Services,</u> the applicant is required to submit a security deposit for full and proper compliance with all terms and conditions in the permit, including provision of all replacement trees, materials and maintenance required for site reinstatement.	Clarified requirements for security deposit.
30.	8.0 Security Deposit		8.4 <u>Upon inspection by the City one (1) year after planting, 90% of the security deposit will be returned if the replacement tree is deemed to be in satisfactory health. If a deficiency is identified, the City will withhold the security deposit until the deficiency is rectified.</u>	Added process for security deposit return that aligns with process used for development permits.

31.	8.0 Security Deposit	8.4 There shall be a 10% holdback of the security deposit for a period of one year <del>after the work has been completed to the satisfaction of the City of Kelowna.</del>	8.5 There shall be a 10% holdback of the security deposit for an <u>additional</u> period of one (1) year and <u>this holdback may be returned following a second inspection to confirm the tree remains in satisfactory health.</u>	Clarified that 10% of the deposit will be held for 2 years to encourage tree establishment.
32.	10.0 Replacement Trees	10.1 Unless this provision is waived or modified by Council or the Director of Planning & Development Services, any tree(s) cut down, removed or altered in accordance with the provisions of this bylaw shall be replaced within one growing season <del>at a ratio of two replacement trees for each tree removed, and shall be planted and maintained on the same parcel as the tree(s) removed.</del>	10.1 Unless this provision is waived or modified by Council or the Director of Planning & Development Services, any tree(s) cut down, removed or altered in accordance with the provisions of this bylaw shall be replaced within one growing season. <u>The replacement formula is determined by the size of the protected tree removed:</u> <ul style="list-style-type: none"> <li>• <u>1 tree at 0 mm - 151 mm (6") DBH = 2 replacement trees</u></li> <li>• <u>1 tree at 152 mm - 304 mm (12") DBH = 3 replacement trees</u></li> <li>• <u>1 tree at 305 mm - 456 mm (18") DBH = 4 replacement trees</u></li> <li>• <u>1 tree at 457 mm - 609 mm (24") DBH = 6 replacement trees</u></li> <li>• <u>1 tree at 610 mm and larger (36") DBH = 8 replacement trees</u></li> </ul>	Adopted provincial replacement formula to determine the number of replacement trees that better reflects the value of the tree lost.
33.	10.0 Replacement Trees	10.2 At least one of the replacement trees must be of the same type (i.e. either a coniferous or deciduous tree) as the tree type being removed. The minimum size of replacement trees shall be <del>3.0 m (10 feet)</del> in height for conifers and <del>80 mm (3.2 inches)</del> diameter at breast height (DBH) for deciduous species.	10.2 At least one of the replacement trees must be of the same type (i.e. either a coniferous or deciduous tree) as the tree type being removed. The minimum size of replacement trees shall be <u>2.0 m (6.5 feet)</u> in height for conifers and <u>60 mm (2.4 inches)</u> diameter at breast height (DBH) for deciduous species. <u>The qualified professional may propose alternative size and type replacements if deemed equivalent by the Director of Planning &amp; Development.</u>	Minimum sizes were adjusted based on the experience of Urban Forestry staff indicating smaller trees have better survival rates and can be easier to procure.

34.	10.0 Replacement Trees	10.3 In addition to any penalty that may be imposed under this bylaw, where a person cuts down, removes or damages any tree, or permits any tree to be cut down, removed or damaged, in violation of this bylaw, or in violation of any permit issued under this bylaw, <del>that tree shall be replaced at a ratio of two replacement trees for each tree removed and in accordance with the terms expressed in Section 10.1.</del>	10.3 In addition to any penalty that may be imposed under this bylaw, where a person cuts down, removes or damages any <u>protected</u> tree, or permits any <u>protected</u> tree to be cut down, removed or damaged, in violation of this bylaw, or in violation of any permit issued under this bylaw, <u>compensation will be paid to the City to cover the cost of replacement trees to be planted at the City's discretion.</u>	Added option for City to determine additional replacement tree costs to fund off-site planting when a permit violation occurs.
35.	10.0 Replacement Trees	10.4 Maintenance requirements shall be specified in the replacement plan and carried out in accordance with the specifications.	10.4 <u>Planting and maintenance</u> requirements shall be specified in a replacement plan <u>provided by a qualified person</u> . Maintenance must include <u>watering bags or equivalent irrigation to support the establishment of the tree for at least three years after planting</u> . Planting and maintenance must be carried out in accordance with the <u>replacement plan</u> specifications.	Added specific maintenance requirements to improve tree outcomes.
36.	13.0 Offences and Penalties	13.2 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding <del>Two</del> Thousand Dollars ( <del>\$2,000.00</del> ) and the costs of prosecution.	13.2 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding <u>Ten</u> Thousand Dollars ( <u>\$10,000.00</u> ) and the costs of prosecution.	Updated to reflect value of trees.
37.	16.0 Schedules	16.1 Schedule A – Tree Cutting Permit Areas	16.1 Schedule A – Tree Protection Zone Installation Standards (see bylaw as text is too large to fit in this table)	Removed redundant areas identified by the original Schedule A (as noted above) and replaced it with a standard to guide protection measures for tree retention.