

Report to Council



Date: May 27, 2024
To: Council
From: City Manager
Subject: 2024 Urban Tree Canopy Enhancement Projects Update
Department: Climate Action & Environmental Stewardship

Recommendation:

THAT Council receives, for information, the report from the Climate Action & Environmental Stewardship Department, dated May 27, 2024, with respect to progress on the City’s Urban Tree Canopy Enhancement Strategy.

AND THAT Council directs staff to prepare amendments to Bylaw No. 10425, to align street tree care and boulevard maintenance standards with other City Bylaws, prior to July 2024.

Purpose:

To provide an update on implementation of the City of Kelowna Urban Tree Canopy Enhancement Strategy.

Council Priority Alignment:

Climate & Environment

Background:

Previous Council Resolution

| Resolution | Date |
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| THAT Council receives for information, the report from Development Planning Department dated September 26, 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. | September 26, 2022 |
| THAT Council receives for information, the report from Development Planning Department dated September 26, 2022, with respect to amending the Development Applications and Heritage Procedures Bylaw for changes to the landscape procedure requirements; AND FURTHER THAT Bylaw No. 12423 being Bylaw Amendment No. 1 to the Development Applications and Heritage Procedures Bylaw be advanced for reading consideration. | September 26, 2022 |

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| <p>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.</p> | <p>June 13, 2022</p> |
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Discussion:

Council directed staff to implement the Urban Tree Canopy Enhancement Strategy in 2022. This strategy identified five key intervention points in managing development impacts on urban trees and the value of limiting development impacts on high value forest ecosystems outside the Permanent Growth Boundary. This work has been undertaken to follow through on a portion of the City’s Sustainable Urban Forest Strategy (SUFS), to address the specific impacts of development on trees. Additional actions to support a healthy urban forest will be covered through the SUFS, which is in the final stages of engagement with a virtual open house May 29, an in-person session June 6, and an online survey.

Staff identified the following interventions to support trees before, during, and after development:

1. Increase tree planting requirements and improve tree planting standards in the Zoning Bylaw.
2. Update the natural area tree protection bylaw to further limit tree removal.
3. Establish process to identify pre-development trees that could be retained successfully post-development and what protection measures are needed.
4. Increase staff inspection capacity to monitor tree protection and planting.
5. Develop tree care standards and bylaw requirements to maintain tree health.

The following work has been completed or is planned for 2024:

1. Tree planting requirements in Zoning Bylaw No. 12375 (September 2022; updated February 2024): The Zoning Bylaw sets requirements for planting trees along lot edges (Landscape Areas). This is the best place for trees within the urban context of high housing demand, urban densification for efficient infrastructure servicing, and making walkable communities. Provincial requirements to allow 3-6 units on formerly single detached lots will impact existing trees on those lots. However, the provincial changes also allow the City to mandate new trees on these lots if multi-unit homes are planned, which was not possible if they stayed zoned as single detached. A new bigger single detached home could remove all existing trees under that redevelopment situation. Instead, the City has an opportunity to gain more housing units and new trees if redeveloped.

To support the longevity of urban trees, the Zoning Bylaw was updated to:

- Set minimum growing medium (soil) volumes appropriate to the mature tree size. This volume was adjusted in 2024 based on feedback from local Landscape Architects to balance challenges with accommodating trees in smaller setback areas by requiring shared soil trenches. Soil cells are required when the standard growing medium permeable area cannot be achieved.
- Increase minimum tree requirements in parking lots (1 tree per 14 spaces; islands must have 1 tree; must have tree at the end of every parking aisle).
- Set size ratio requirements (at least half of new trees in Landscape Area must be large trees).
- Set underground parkade setback requirements to ensure soil volumes meet tree needs.
- Clarify that trees may be planted closer together to accommodate other infrastructure instead of eliminating a tree. The requirement to plant 1 tree per 10 metres is for counting purposes - to set the minimum number of required trees - not spacing.

- Improved guidance on the appropriate building setback from each tree size category to reduce future conflicts between branches and buildings through careful design of patios/balconies or other building articulation features.
- In Urban Centre zones, if trees are required they may be planted outside the Landscape Area (setback) elsewhere on site. This allowance is only permitted if the property abuts a boulevard with irrigated street trees.
- For infill housing sites with overhead utility wires in the landscape setback area, tree planting is required but outside the setback to avoid future canopy conflict with wires.

Next steps for this work is to coordinate with the City's Housing Affordability Fund team on fast track infill housing design templates to identify tree planting locations and site design for stormwater drainage to planted areas. This work is happening over Q2 2024.

2. Updated Natural Area Tree Bylaw No. 8041 (September 2022):
Amendments included increased tree replacement requirements in environmentally sensitive areas and greater limitations on allowed removals. This bylaw focuses more intensive regulation on areas providing critical wildlife habitat and host ecosystems that encourage healthier trees. Replacement numbers are based on size of tree lost, following the Province of B.C.'s formula, increasing the number of replacements to up to 8 trees for trees over 610mm in diameter (compared to past bylaw requirement of 2 trees for any tree removed). This change has also helped to plant more replacement trees where development has resulted in tree removals from steep slopes (>30%) and discourage tree removal from these areas.
3. Amended Procedures Bylaw No. 12310 (September 2022; updated April 2024):
The amendments made in 2022 included a requirement to provide a pre-development tree inventory with Development Permit applications to support discussions on the value of on-site trees and their potential to be retained if in a suitable location, in good health, and not invasive. This requirement has been adjusted, based on applicant feedback, to allow applications to omit this inventory if there are no trees on site with the potential for retention.

A multi-year monitoring requirement for planted landscaping was also added to this bylaw – plants will not be inspected until after 1 full year in-ground. A follow up inspection is required in year 2 to confirm plants are established. If deficiencies are found during inspection, staff will retain an amount of the Performance Security equivalent to the cost to rectify any deficiencies (e.g. replacement plants and maintenance) until the permit conditions are met. In addition to staff inspections, a requirement for professional design and construction monitoring was also set for larger scale landscaping projects. Staff now require the submission of assurance documents with Landscape Plans, similar to the stamp or seal used in other professions like engineering. This requirement was set to ensure major projects involve a Landscape Architect, a professional with the expertise to select appropriate species and design spaces following Canadian Landscape Standards. Due to the timing of this report, year 1 or 2 inspections have not yet been triggered for development projects initiated following adoption of these amendments. Staff will assess how similar requirements for monitoring, for off-site street trees, can be set within Bylaw 7900 for consistency.

In addition to these changes, the delegated authority for variances on MF1 sites is another key procedural tool. Delegated authority to approve variances at the staff level was primarily instituted

to be able to save mature trees on infill housing sites. For example, variances to height, parking, setbacks, site coverage, etc. would be considered in exchange for long term tree protection. Developers are more inclined to save trees if they can avoid an extended permitting process and the extra cost of a Council variance permit. This process was approved in April 2024.

4. Increase tree inspections (2024 Implementation):

A budget request was approved in 2023 to increase the allocation of staff time to undertake tree inspections, in conjunction with site grading and stormwater management inspections, via the Development Engineering and Development Planning teams. These inspections assess whether permit requirements are being met. These inspections are currently happening with training support being provided by the City's Urban Forestry team over the 2024 spring season to encourage knowledge sharing among staff on tree inspection criteria. The result is more eyes on trees during the development process.

5. Improve tree care standards (2024 Implementation):

Staff were directed to develop bylaws that will guide tree care on private property, to discourage the abandonment of trees required to be planted as part of a Development Permit or Off-site Landscape Agreement. This work requires updates to the following bylaws:

- Subdivision and Development Servicing Bylaw No. 7900, which governs tree installation in boulevards and similar right-of-way areas.
- Boulevard Maintenance Bylaw No. 10425, which sets responsibilities for vegetation management in boulevards.
- A new bylaw is needed to set maintenance standards on private property. These are commonly known as Landscape Standards Bylaws.

It is expected that improved coordination among these bylaws will also lead to improved communication of tree care requirements to both the development community and residents, with consistent planting and care standards for on-site and off-site works. Staff are currently (Q1-Q2 2024) working on updates to Bylaw No. 7900 to align it with the tree planting standards for soil volumes or soil cells recently updated in the Zoning Bylaw while also investigating options for boulevard landscaping that are more suited to Kelowna's climate. Following this work on boulevard landscaping design standards, staff will be in a better position to set private property tree care standards in a new Landscape Standards Bylaw (draft in Q4 2024).

Staff are also seeking Council's direction to prepare amendments to Bylaw No. 10425. The City has received many complaints regarding lack of street tree care, in particular a lack of watering. Street trees are critically important for protecting us from the impacts of extreme heat, with shaded sidewalk areas being measured as 10 to 20 degrees cooler even on an average Kelowna peak summer day. Shaded walking and biking environments are critical for meeting our City's goals for reducing traffic congestion by helping residents have multiple commuting options.

Conclusion:

Staff will continue to keep Council apprised of progress regarding this work and seek feedback based on Council's priorities and in conjunction with the Sustainable Urban Forest Strategy (SUFS). Tracking progress on tree canopy coverage against the canopy targets set out in the SUFS will help to assess the impact of the work described above.

Internal Circulation:

Development Engineering
Development Planning
Infrastructure Operations

Considerations applicable to this report:***Existing Policy:***

- 2040 OCP - Objective 14.2 Protect and expand a healthy and viable urban forest.
- Bylaw No. 8041 Tree Protection Bylaw
- Bylaw No. 8042 Municipal Properties Tree Bylaw
- Bylaw No. 10425 Boulevard Maintenance Bylaw
- Bylaw No. 7900 Subdivision, Development & Servicing Bylaw
- Bylaw No. 12375 Zoning Bylaw
- Sustainable Urban Forest Strategy – update in progress
 - Strategy 2: Expand the urban forest equitably in urban and core areas.
 - Strategy 3: Improve the quality and suitability of trees being planted for the site and climate requirements.
 - Strategy 4: Clarify City procedures and standards to improve efficiency and manage risk.
 - Strategy 6: Ensure resourcing is sufficient to deliver levels of service.

Consultation and Engagement:

As noted above, staff have engaged with permit applicants and subcontractors throughout the process of implementation to understand the impacts of these regulatory changes. In addition to one-on-one conversations and bulletin emails, four information sessions have been held to provide updates as these changes were adopted and seek feedback.

Considerations not applicable to this report:***Legal/Statutory Authority:******Legal/Statutory Procedural Requirements:******Financial/Budgetary Considerations:******Communications Comments:***

Submitted by:

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Approved for inclusion:

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C. Ray, Climate Action & Environment Manager

cc: Development Planning Department Manager