



Committee of the Whole Report

For the Meeting of September 12, 2019

To: Committee of the Whole **Date:** September 12, 2019
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Tree Preservation Bylaw Update

RECOMMENDATION

That staff bring forward for the attached Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 for first, second and third readings.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an initial list of proposed amendments to the Tree Preservation Bylaw (2005).

In 2019, Council approved a Strategic Plan action to “undertake a comprehensive review and update the Tree Preservation Bylaw”, as well as funding to support a project within the Financial Plan. Staff have developed a project that consists of two phases. The first phase is focused on updates to certain definitions and requirements, based on assessments by staff and research of similar bylaws in other jurisdictions. The second phase of work is intended to be a comprehensive review led by an external consultant, including public consultation and technical analysis, which will progress over the next several months.

Staff recommend that Council support the bylaw amendments proposed in this report. This action will provide immediate benefits, including improved clarity for residents and contractors, when considering options for private property development, and allow for an increased level of tree protection in the city.

PURPOSE

The purpose of this report is to seek Council approval to amend the Tree Preservation Bylaw. The proposed amendments address the immediate need to clarify certain definitions, standardize information requirements and strengthen tree protection.

BACKGROUND

The City's urban forest is composed of approximately 150,000 trees. At present, the City directly manages roughly one-quarter (32,950) of the urban forest inventory. The other three-quarters consists of trees on private land.

In the past four years, the City has experienced a period of high population growth. The associated urban development and densification has provided opportunities, while also presenting new challenges including those relating to the protection of trees and other “green” assets.

Trees are a critically important community asset providing a wide range of benefits, from positive mental health impacts, to environmental attributes such as regulating temperature, mitigating stormwater runoff, and providing wildlife habitat. The value of the urban forest will continue as the city adapts to climate change.

An assessment of the current tree canopy coverage is presently underway, and the results anticipated in the coming months will inform further planning and protection efforts. While this local analysis is in progress, staff have observed the impact that pressures from urban development and the changing climate have had on the city’s urban forest.

The original Tree Preservation Bylaw was established in 1999. In 2005, after a review process that included public input, the City updated the Bylaw with measures to prevent unnecessary harm or removal of trees on private land.

Council approved the Urban Forest Master Plan (UFMP) in 2013, following extensive consultation with community members, staff and industry experts. The plan guides the long-term management and enhancement of the urban forest, with 26 recommendations to be completed over the next few decades. Updating the Tree Preservation Bylaw is one of the recommendations listed in the UFMP.

Earlier this year, Council directed staff to update the Tree Preservation Bylaw. This work is being pursued in a phased approach and planned to be complete by the end of 2020. Phase 1 focuses on updating specific definitions and requirements, and Phase 2 will consist of a more comprehensive process that will include community engagement and technical analysis.

ISSUES & ANALYSIS

Phase 1 of the Tree Preservation Bylaw Update project focuses on a variety of amendments that update certain definitions and requirements. Changes strengthen tree protection and concentrate on three areas: definitions, tree assessment qualifications, and requirements.

1. Clarifying Definitions

Staff identified the following terms as problematic in their current definitions: “Building envelope”, “Building envelope line” and “Tree”.

Building Envelope and Building Envelope Line

Current Definition	Issue
Building Envelope is defined in relation to the primary building and accessory buildings .	<ul style="list-style-type: none">A protected tree can be removed anywhere that the accessory building is placed on a lot
Proposed Definition	Impact
Building Envelope and Building Envelope Line are defined in relation to only the primary building .	<ul style="list-style-type: none">Accessory buildings are placed in locations that limit the removal of protected trees

Through the proposed change to the definition of “building envelope” and “building envelope line”, the City limits the construction impact of accessory buildings on bylaw protected trees. This means that, generally speaking, a permit will not be issued to cut down a protected tree that is outside of the primary building envelope, even if it is within the building envelope for an accessory building (as permitted under the current Bylaw). The graphics included on pages four and five of this report help to illustrate the proposed changes.

The proposed change also addresses the issue of inconsistency between the regulations relating to accessory buildings and garden suites, in relation to tree protection. Currently, residents submitting building permit applications for accessory buildings (i.e. garages) rather than garden suites may apply later to convert the structure to a garden suite or simply not build a structure, in order to circumvent the Garden Suite Design Guidelines that give consideration to trees and mature landscape features. The proposed change to the Tree Protection Bylaw would offer stronger protection of the design guidelines.

It is important to note that with the revised definitions of “building envelope” and “building envelope line”, a Board of Variance order varying setbacks will no longer have the potential consequence of expanding the building envelope, thereby expanding the area in which bylaw protected trees can be cut down.

Tree

The change to the “Tree” definition eliminates confusion regarding permit requirements for dead and dying trees.

Current Definition	Issue
Trees are defined as living trees.	<ul style="list-style-type: none"> • Dead protected trees can be cut down without a permit • Replacement trees are not required with the removal of protected trees that are dead
Proposed Definition	Impact
Trees are defined as all living or dead trees.	<ul style="list-style-type: none"> • All protected trees require a permit for removal • Two replacement trees are required once a protected tree is removed

This change in definition will ensure that all protected trees will have the same review process and replacement requirements.

2. Tree Assessment Qualification

The International Society of Arboriculture Tree Risk Assessor Qualification (TRAQ) certification is the industry standard for individuals conducting tree condition assessments. Staff recommend that this qualification be explicitly identified in the Bylaw as a requirement for those conducting assessments and providing reports relating to work covered by the Bylaw. It is common for municipalities to require TRAQ certification for an arborist to confirm whether a tree is posing a risk to people or property. This update will ensure that the City receives a consistent and professional level of technical assessments, based on leading practice.

3. Clarifying Requirements

Staff also recommend revising the Bylaw to clarify that a permit to cut down or alter a bylaw protected tree will not be issued if the applicant's driveway, parking, utility connections or accessory buildings can be located in a manner that allows the tree to be retained (provided the location is still in compliance with other bylaws). These changes will limit the construction impact of such lot development activities on bylaw protected trees.

Other minor items are proposed to be addressed within the amended Bylaw that provide increased clarity for readers. The intent of the updated sections would not be changed.

The following scenario demonstrates the impact of the proposed changes:

A tree removal permit application is submitted to the City to remove; i) protected trees within the building envelope of an accessory building, and ii) a tree in conflict with a new driveway.

Current Condition:

Under the present condition, a tree removal permit would be issued, simply because the trees are located within the lot's building envelope and proposed driveway, consistent with the current definitions and subsection 5(2) of the Bylaw.

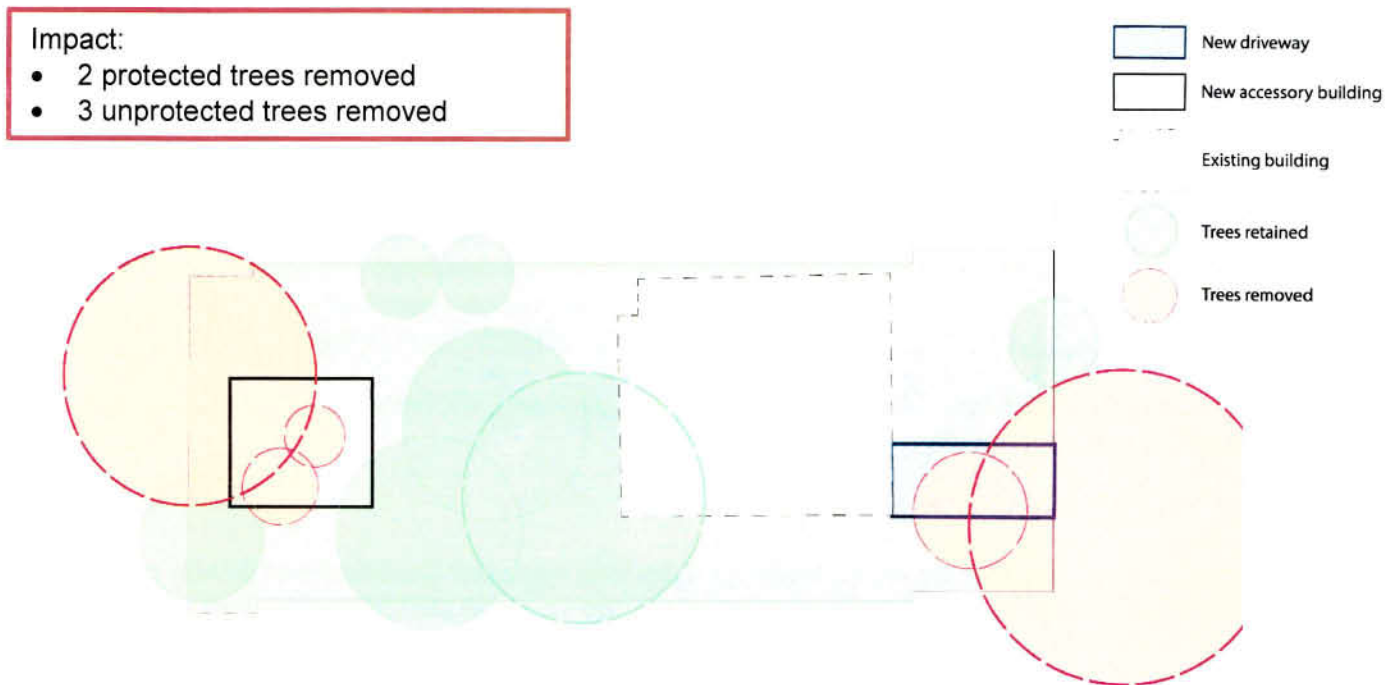


Figure 1. The new accessory building and driveway could be placed to require the removal of several protected trees under the current bylaw.

Proposed Future Condition:

The updated definitions and requirements would allow the City to work with the permit applicant to preserve the protected trees outside of the primary building envelope. Staff would only issue the permit once the applicant demonstrated that the accessory building and driveway would be placed in locations that are not in conflict with trees (and are otherwise in compliance with City bylaws).

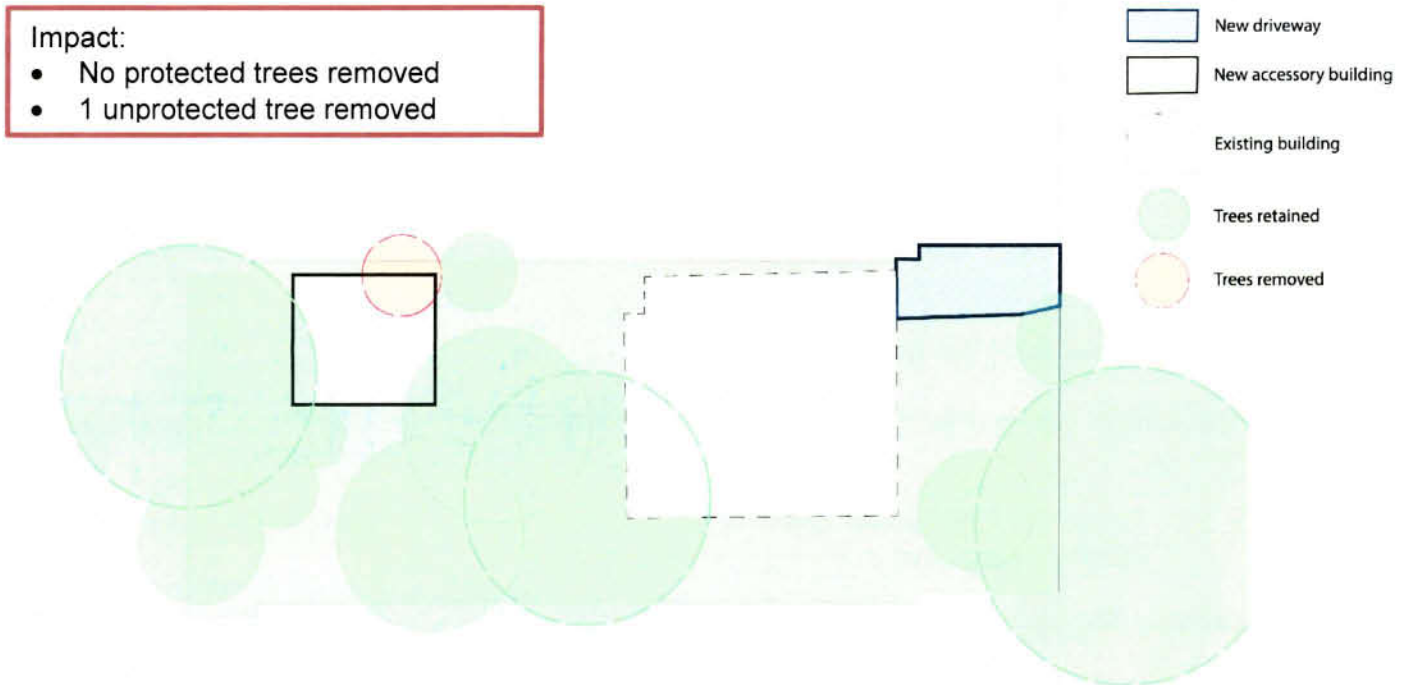


Figure 2. Under the amended Bylaw, the City could require that the accessory building and driveway be placed in locations that make unnecessary the removal of as many protected trees as possible.

OPTIONS AND IMPACTS

That Council give first, second and third readings for the attached Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 and direct staff to return for adoption of the bylaw, and then proceed with the implementation of the proposed bylaw amendments

Staff recommend that Council support the proposed amendments for Phase 1 of the Tree Preservation Bylaw update, as outlined in Attachment B. Staff propose that these amendments take effect on November 1, 2019. These updates will ensure that tree protection is immediately strengthened in anticipation of the second phase of the project, to be completed by the end of 2020.

Pending Council approval of the proposed amendments, staff will coordinate communication material for the public outlining the changes to the Bylaw, per our standard process for such updates.

Accessibility Impact Statement

The proposed amendments noted above are not anticipated to have a direct or indirect impact on accessibility. Through the second phase of the project, opportunities will be provided to consider further refinements to the Bylaw that may identify and address barriers to accessibility, in relation to tree protection.

Impacts to Financial Plan

No significant impact to the Financial Plan is anticipated from the proposed actions outlined in this report. A slight increase to the application fee for a Tree removal permit to account for inflation since the last increase in 2005, is included in the proposed changes.

2019 – 2022 Strategic Plan

The proposed Bylaw amendments are actions identified with Strategic Plan Objective #6: *Climate Leadership and Environmental Stewardship*.

Official Community Plan Consistency Statement

The Official Community Plan contains the following objectives with respect to urban forest management:

- 10 (d) That the urban forest is enhanced to support a wide range of ecological and community benefits.

CONCLUSIONS

The City has committed to the protection and enhancement of the urban forest, as outlined in the Urban Forest Master Plan (2013) and Strategic Plan (2019). Council has also directed increased financial investments to support efforts to preserve existing trees, as well as seek out opportunities to expand the number of trees in the city. The Tree Preservation Bylaw is one important tool in these efforts to reduce negative impacts, such as the loss of valuable trees on privately owned land.

The proposals in this report are aligned with Council's strategic direction, and as such, staff recommend that the amendments be approved.

Respectfully submitted,



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Assistant Director
Parks and Recreation



Thomas Soulliere
Director
Parks, Recreation and Facilities

Report accepted and recommended by the City Manager:

Date:

Jocelyn Jenkins
Sept. 6, 2019

List of Attachments

Attachment A: Tree Preservation Bylaw, Amendment Bylaw (NO. 1)

Attachment B: Tree Preservation Bylaw (amended)