

UPDATING & STRENGTHENING WHITE ROCK'S TREE PROTECTION & MANAGEMENT

BACKGROUND

On July 22, 2019, Council requested the EAC review the City's two principal tree management instruments. This referral originated in a July 8 Governance and Legislation Committee meeting in which Councillors **expressed two basic concerns**: First, discussing a recent high-profile tree removal on City land, Councillors raised questions about the process of tree management decision making, and particularly the adequacy of consultations or communications with Council when staff takes significant or potentially controversial tree removal decisions. Council thus requested EAC views and recommendations *"in regard to Council oversight of trees before they are taken down."* Second, this discussion quickly expanded into concerns and calls for "serious rethinking" about the effectiveness and outcomes of current tree management legislation and policy as reflected by City's declining tree canopy coverage and the impact thereof on drainage, slope stability and overall environmental conditions. Council, therefore, also requested recommendations *"from an environmental perspective/protecting our environment"*.

Council's environmental concerns were subsequently validated in the Tree Canopy Plan presented to Council on September 9 (updated November 4), 2019, which cited a decrease in canopy, mostly on private lands, from 25% in 1997 to 19% in 2014. A 2019 Metro Vancouver report cited higher figures (23%, due to acknowledged methodological differences), but the significant downward trend was the same. White Rock held the 13th least enviable position among Metro's 21 municipalities as regards both tree canopy coverage (23% versus 32% regional average) and impervious surface area -- a critical indicator of ecological health and vulnerability to the impact of extreme weather and climate change -- 61% impervious coverage versus 50% regional average.

The instruments specifically referred to the EAC are

Tree Management Bylaw 1831, which regulates the treatment of trees on private property.

- As in most municipalities, this is done primarily by requiring homeowners or developers to obtain a permit to cut or remove "protected trees" -- currently defined as those larger than 30 cm. (approx. 12 in.) in diameter, plus certain species and nesting trees of any size.
- Permits entail a sliding scale of application fees and a range of tree replacement or protection conditions with corresponding security deposits, depending on the nature of the application: removal of a dead or dangerous tree (Type 1 Permit), removal of an "unwanted" tree (Type 2), or cutting or removal of a tree or critical roots in connection with an application for a Demolition or Building Permit (Type 3).
- A subsidiary policy, *Planning and Services Policy 510*, elaborates on criteria for considering Type 2 applications ("unwanted" trees). On 9 March 2020, Council adopted staff-initiated amendments to tighten these criteria -- changes which EAC endorses.

Tree Management on City Lands Policy 611, which outlines the City's approach to managing trees on City lands, proclaimed the exclusive reserve of City staff or agents.

- The basic policy is to trim, prune or remove trees only for health or safety reasons, to maintain slope stability, or to control invasive species.
- However, the policy also authorizes steps to maintain views from City viewpoints and defines terms and conditions under which citizens may request the City to consider pruning or removing such trees to restore a previously established view from their property.
- *Operations Department Policy 612* provides additional elaboration on City practice regarding Dangerous Tree Removal. On ___ the City was advised of new WorkSafe BC requirements for more immediate action to address risks created by dangerous trees. As a result, the Committee was informed that a new Policy 612: Dangerous Tree Removal would be brought forward to Council. This policy includes procedures for dealing with property owners in cases where high risk situations have been identified.

Policy Context: A crucial touchstone for any review of tree management legislation or policy in BC is a municipality's Official Community Plan (OCP). White Rock's current OCP (adopted in 2017) includes a number of principles, policies and guidelines focussed on tree protection. These include:

- Commitments to various measures to enhance tree canopy (Principle 6, Policy 15.2),
- The objectives of "adopting and adhering to an Urban Forest Management Plan (UFMP) and requiring development projects to be designed with the intent of preserving and protecting mature, healthy trees." (Policy 12.2.2); and
- Development permit area Guidelines to increase the quantity and/or enhance the protection of trees in all designated Development Permit Areas (DPAs).

The OCP Review initiated following the 2018 municipal elections has been designated as one of Council's Immediate Strategic Priorities and "Greening the City" is one of 7 priorities identified for this review. In September 2020, Council's Land Use and Planning Committee directed staff to propose implementing mechanisms for a number of recommendations to promote the greening of the Town Centre. These included the establishment of site requirements for tree canopy coverage, species mix, pervious areas, and continuous soil coverage as well as green building standards.

ANALYSIS AND RECOMMENDATIONS

The EAC considered this referral, often as its leading or only substantive agenda item, over the course of 14 meetings from 5 September 2019 to 8 December 2020. The analysis and recommendations outlined in the following pages attempt to come to grips with three fundamental sets of questions:

- Purposes and priorities:** Are the purposes of our tree management legislation and policies consistent with and achievable in the context of broader City goals and policies? Are the purposes, and the relative priorities among them, appropriately and clearly conveyed in the language of the instruments? The observations and recommendations here address aspects of higher-level or broader City strategies and review exercises including the OCP, UFMP and zoning and planning regulations and procedures.
- Norms: Are the rules and standards** established by the instrument adequate to advance or achieve the agreed purposes and priorities? Recommendations here address the definitions of "protected", "significant", "heritage" and "lower value" trees as well as tree replacement requirements.
- Implementation:** Are the practices and procedures employed to advance the purposes and apply the norms effective and appropriate? Recommendations here address compliance and enforcement measures (fees, fines, securities), public education, and decision making including the role of Council.

A. PURPOSES AND PRIORITIES

1. Higher Level and/or Broader Policy Directions and Instruments

- **Strengthening Tree Protection in Zoning and Development Regulations and Procedures**

The objectives and proposed actions reflected in both the existing OCP and the ongoing OCP review exercise underscore the high level of importance assigned by the City's government and citizens to the goals of tree protection and preventing or reversing tree canopy loss in White Rock. And with most of the City's canopy loss attributed to private development (cf the September 2019 Tree Canopy Plan), they also highlight the critical reality that Bylaw 1831 and Policy 611 cannot alone meet these challenges. Against this background, Council's Land Use and Planning Committee has approved a number of measures to promote greening of the Town Centre through zoning and planning regulations that might also be extended to other Development Permit Areas. Accordingly, while it has not given detailed consideration to the City's zoning bylaw or procedures in the course of this review,

R1. The EAC recommends that, in the context of the ongoing OCP and Zoning Bylaw Reviews, staff be directed to develop proposals to:

- (a) Give greater and more explicit priority to tree preservation in the requirements set by zoning and planning regulations across all Development Permit Areas.**
- (b) Give more explicit attention to tree preservation and canopy enhancement in the procedures governing the application of planning and zoning requirements. This could be achieved by amending Planning Procedures Bylaw 2234 to require mandatory consideration -- and written record -- of implications for tree protection and canopy enhancement in all relevant Advisory Design Panel and Planning Department deliberations, decisions and recommendations to Council. R1 adopted by EAC Nov 19, 2020**

- **Urban Forest Management Plan/OCP Review/Canopy Recovery Targets/Trees on Railway Lands**

The goal of an Urban Forest Management Plan (UFMP) was identified in OCP 2017 (Section 20.2) as a short-term priority to be completed in 1 to 2 years. The process of developing such a plan had actually been launched in June 2015: the published report of a consultant-led workshop at that time is very instructive on the benefits of urban trees, the distribution of our current tree canopy, and strong public support for policies and laws to increase canopy; and it proposes a target of 27% canopy coverage for White Rock by 2045. Since 2015 however, no further work to develop a UFMP appears to have been done. Considering the heavy demands of resuming a conventional standalone UFMP strategy exercise, and given resource strains in the wake of COVID 19, the basic elements of a UFMP could rather be incorporated into the conclusions of the ongoing OCP Review on Greening the City. Finally, in light of concerns about past actions affecting trees on federally regulated railway lands within City boundaries, the Committee encourages steps to promote the protection of trees and enhancement of tree canopy on such lands in the future. Against this background,

R2. The EAC recommends that

- (a) The process of developing an Urban Forest Management Plan be completed as soon as possible.**
- (b) Key elements of the UFMP should include:**
 - (i) recognition that trees on both private and public lands are essential components of the urban forest and ecology of the city;**
 - (ii) setting an explicit canopy recovery target (eg, 27% canopy coverage by 2045);**
 - (iii) undertakings to increase the currently projected maximum number of trees (2500) that can be planted on City land and**
 - (iv) strategies for increasing lands on which the City can plant additional trees to help meet the target.**
- (c) Progress in achieving any UFMP or canopy coverage goals should be monitored through the presentation of annual Tree Canopy Plan updates to Council (see Recommendation R20).**
- (d) Council direct staff to investigate and report to Council on means, legal and otherwise, to prevent the removal of or interference with trees, and to facilitate the planting of trees, by the City and BNSF on BNSF lands.**

R2(a,b,c) adopted by EAC Nov19, 2020;

Following a discussion re City's role regarding trees on railway lands, PB has submitted draft recommendation R2(d). Chair has added possible narrative element on this topic above.

2. Purposes and Priorities of Bylaws and Policies

- **Clarifying Purpose of Bylaw 1831**

The provisions in Bylaw 1831 are generally unobjectionable-- as far as they go. However, the EAC believes the far-reaching importance of tree preservation, as reflected in the OCP and recognized by environmental science, could be better conveyed through a simple rebranding amendment mirroring practice in many other jurisdictions:

R3. The EAC recommends that Bylaw 1831, currently entitled "White Rock Tree Management Bylaw", be re-entitled as "White Rock Tree Protection Bylaw".

R3 adopted by EAC Nov19, 2020.

- **Clarifying and Aligning Purposes and Priorities of Policy 611**

The Committee suggests a similar update of the title of Policy 611, and at the same time, recommends updating of the stated purposes of Policy 611 to establish a more appropriate balance between the dual stated purposes of tree protection and preservation of private views. The Policy statement in 611 currently reads as follows: *It is the policy of the City of White Rock to manage, preserve and enhance trees on City lands while taking into consideration established views from White Rock properties and scenic views in the City. The long term objective is to ensure the sustainability of the City's urban forest assets by increasing the number of healthy trees and amount of tree canopy in the City, without negatively impacting established views that are important to City of White Rock property owners and the City.*

It is of course an important challenge for any municipal tree protection regime to find an appropriate balance between the public interest and environmental imperative of protecting trees and private rights to the use and enjoyment of private property. The Committee recognizes the importance of efforts to protect views in White Rock. OCP 2017 commits to "celebrating views" as a central element of the City's distinctive character and outlines some appropriate measures to protect sea views through building permit restrictions and street planting species. The Policy 611 procedure for citizens to request the pruning or removal of trees on City land to restore a view from a private property is rarely invoked (one case in the past two years) and the Committee is in any event satisfied with the stringent requirements to demonstrate a genuine case for removal and to secure agreement from neighbouring properties. However, the primacy of the goals of tree preservation and canopy enhancement, as underlined in the OCP and recognized by environmental science, is not well reflected in the current text of Policy 611, which characterizes the goals of tree and canopy preservation as "long-term objectives" and gives undue profile to the restricted and rarely used procedure to restore private views. *Furthermore, and quite inappropriately, the current procedure entails less stringent criteria than those applicable to property owners wishing to prune or remove a tree on their own property: Policy 510, as amended by Council in March 2020, specifies that such a view must be completely obstructed to qualify for consideration of a permit.*

Against this background,

R4. The EAC recommends that Policy 611 "Tree Management on City Lands" be amended as follows:

(a) Change its title to "Tree Protection, Canopy Enhancement and Management on City Lands."

(b) Amend Section 1 to read as follows: "Policy: In managing trees on City land, it is the priority of the City of White Rock to protect existing trees and increase the number of healthy trees and amount of tree canopy and thus enhance and ensure the sustainability of the City's urban forest and realization of the environmental and esthetic benefits it provides. In this context, the interest of property owners in preserving or restoring private views obstructed by City trees will be addressed through a procedure described in annex 1 to this Policy. "

(c) In Section 3 "Management of City Trees" insert an additional clause (a.1) as follows: "*(a) The City manages trees on city lands: 1. For the overriding purposes of protecting existing trees and increasing the number of healthy trees and amount of tree canopy.*"

(d) Move Sections 5, 6, 7 and 8 to an annex to the Policy.

(e) Limit the criteria under which applications for approved pruning, crown thinning, or width reductions are accepted to those where the property owner has clearly demonstrated that the tree has increased in size to completely obscure a previously existing view from the applicant's

(f) Prohibit the topping or removal of city trees for the re-establishment of views.

(g) Remove the definition of "narrow corridor" or "single object" views.

(h) Allow for the siting, species selection, and planting of new or replacement trees on City lands in all locations where future growth is not expected to completely obscure established views.

R4 adopted by EAC on 9 December 2020. [For clarity, chair suggests breaking the final 4 elements into separate subparas (e,f,g,h) rather than combining them in a single subpara.]

B. DO THE NORMS ADEQUATELY ADVANCE THE PURPOSES?

1. Trees Protected by Bylaw and Policy

- **Size Standard for Protected Trees**

On private property, Bylaw 1831 requires owners to secure permits to remove "Protected trees", defined as trees with trunks greater than 30 cm (approx. 12 in.) in diameter at breast height (DBH), on private property; trees with nests used by certain bird species; and certain special tree species. The 30 cm criterion is still used in some municipalities and may have been the historical common standard. However, the only municipalities now using this standard in Metro Vancouver are White Rock, Surrey (which is reviewing its bylaw on the recommendation of its environmental advisory committee), North Vancouver District and Langley Township. A 20 cm standard (8 in.) is used in at least 9 Metro municipalities including Vancouver, Coquitlam, Burnaby, Delta, New Westminster and Richmond. Port Coquitlam uses 15 cm (6 in.) and Port Moody bans the removal of trees larger than 10 cm (4 in.) in many zoning areas including all stratas. The Committee recognizes that reducing our current size limit would increase costs to residents and the City. However, noting that it takes at least 20 years for most trees to add appreciably to the canopy and considering the relatively poor and declining state of our canopy, we do not believe that the existing 30 cm standard is consistent with the City's goal of reversing canopy loss. Accordingly,

R5. The EAC recommends that the minimum size for the definition of "protected tree" in Bylaw 1831 be reduced to a trunk DBH of 20 cm or less.

R5 adopted by EAC on 8 December, with text adjusted for clarity on 17 December.

Note re Original R6. : On December 8, the EAC adopted a revised version of original R6 regarding the updating and alignment of definitions, other terminology and procedures and agreed this recommendation should be placed at the end of this report. See **R20**.

- **Significant Trees**

A "significant tree" is defined in Policy 611 as a tree on City land "that is of particular significance to the City, due to landmark value, cultural, historical, ecological or social import and has been included in the Significant Tree Registry of the Significant Tree Policy." The policy appropriately declares that no "significant tree" nor any tree on City parkland will be touched in response to a view restoration request. However, there is no apparent record of any Significant Tree Policy, Registry, procedure for designating a "significant tree", nor indeed of any tree having been so designated. Bylaw 1831 provides for the designation of "heritage trees", and in 2001, the City adopted a Heritage Tree Policy 607 including criteria and a procedure for designating such trees. However, the procedure appears to be widely unknown and even less employed: in almost 20 years, only one tree has received heritage designation. On top of all of this, Bylaw 1831 includes no provisions mandating protection of "significant trees" or "heritage trees". Against this background,

R7. The EAC recommends that the regulations and policies concerning “significant trees” and “heritage trees” be reviewed and rationalized by establishing a consolidated definition of “significant tree”, a “Significant Tree Policy” and a “Significant Tree Registry” applicable to trees on both public and private lands. These should draw on criteria and procedures derived from best practices in other municipalities and relevant provincial guidelines. Bylaw 1831 and Policy 611 should be amended to make clear that “significant” trees of any size will not be removed for other than safety reasons or as approved by Council.

R7 adopted by EAC on 8 December 2020.

- **Lower Value Trees**

Finally regarding definitions, Bylaw 1831 includes a definition of “lower value trees” - those with structural or health issues as well as any fruit trees, alders or cottonwoods, for which reduced tree replacement requirements apply when a removal permit is issued. Following discussions with the City Arborist, the Committee has agreed there is no convincing arboricultural need or justification for designating healthy trees of any species as “lower value”. Accordingly,

R8. The EAC recommends that Bylaw 1831 be revised by removing fruit trees, alders and cottonwoods from the definition of “lower value trees”.

R8 adopted by EAC on 8 December 2020.

2. Tree Replacement Requirements

- **On Private lands**

As noted above, under Bylaw 1831, in most cases where trees are removed from private lands, there is a requirement to plant new, “replacement trees”. The Committee supports this policy as well as the current replacement quotas based on size of the removed trees. However, the City Arboriculturist has acknowledged that, once a tree is planted, it will in most cases take over 20 years before it can actually add significantly to the tree canopy and yield the environmental benefits provided by the removed mature tree. This underscores the crucial, over-riding importance of pursuing ambitious canopy enhancement goals and maximizing the normative protections for existing trees through the various means suggested elsewhere in this report.

- **Tree Replacement on City Lands**

The Committee has observed that Policy 611 also includes applicant-funded replacement requirements when requests to restore a private view are approved. There is however no requirement for replacement when the city decides it must remove a City tree for other reasons, such as construction of a public facility or road reconstruction. Therefore,

R9. The EAC recommends that Policy 611 be revised to:

- (a) require that, when the City is evaluating initiatives that might result in tree removal on City lands, all possible ways to protect the trees should be considered;**
- (b) if they must be removed, ambitious replacement requirements should be specified.**

R9 adopted by EAC on 8 December 2020.

C. APPLICATION AND IMPLEMENTATION OF NORMS AND POLICIES

1. Encouraging and Securing Compliance by Private Property Owners and Contractors

Any regulatory regime designed to influence private behaviour requires a careful calibration of both the costs of compliance and the penalties of non-compliance. High costs associated with compliance may discourage some people from adhering to the bylaw. Lax enforcement or low fines may not be sufficient deterrents for others. Bylaw 1831 is enforced, and violations identified, through bylaw officers, city arborists and other staff. It is unknown, however, how many violations go undetected, and it would be helpful for residents to

know who to call if they observe what appears to be a violation. In addition, if private firms are caught cutting or removing a tree illegally, there should be significant consequences such as revocation and/or non-renewal of their business licence. The EAC has not conducted an in-depth analysis of the adequacy and effectiveness of the fees, fines and security requirements associated with the application of Bylaw 1831 or Policy 611, or of the methods and resources employed for their enforcement. But a review of these elements should accompany the updating of the purposes and norms underpinning of these instruments. Accordingly,

R10. The EAC recommends that Council direct staff to review the current fees, securities, replacement values and fines related to tree removal and replacements to ensure they are commensurate with best practices conducive to achieving the goals of maintaining and increasing the number of healthy trees and the amount of tree canopy in the City.

R10 adopted by EAC on 8 December 2020.

R11. The EAC recommends that Council direct staff to review the sufficiency of the methods and resources employed to ensure effective enforcement of Bylaw 1831 and Policy 611.

R11 adopted by EAC on 8 December 2020.

R12. Considering the central role played by private contractors in the management of trees on private property, the EAC recommends that staff maintain a record of contractors that contravene Bylaw 1831 or Policy 611 and take steps to ensure that such contractors are not hired by the City, that relevant fines are levied on them, and/or that their business licences are suspended or revoked.

R12 adopted by EAC on 8 December 2020.

- **Works to Address Damage to Existing Buildings or Infrastructure**

Each of the existing three types of private tree management permits can involve high costs for private arborists, permits and tree replacements. In situations when a tree may be causing serious damage to a building or essential infrastructure, these costs may be seen as unduly punitive, and may in some cases lead to the work being done in violation of the Bylaw and/or in a technically deficient manner resulting in excessive or unnecessary damage to the tree. To address this concern,

R13. The EAC recommends that Bylaw 1831 be revised to add a Type 4 Permit entailing reduced fees, documentation and/or replacement tree requirements. Qualifying activities would include works resulting in harm to a protected tree that is causing serious demonstrable damage, or risk thereof, to an existing building or infrastructure, in circumstances where the damage cannot be remedied or averted by other reasonable means. Works authorized under such a permit would normally be limited to pruning of ~~structural~~ branches or roots, would not normally extend to the removal of a protected tree, and would not include works ~~to satisfy purely personal preferences or~~ to facilitate additions or modifications to existing buildings or infrastructure (eg, landscaping esthetics, driveway expansion or diversion)) **for which a Type 1, Type 2 or Type 3 Permit would otherwise be required.**

December 17 discussions concluded with agreement to return to R13 for decision at next meeting. Amendments in red text were proposed and subsequently submitted in writing by PB.

- **Utilization of Revenues from Tree Replacement Securities and Deposits**

Bylaw 1831 (Part 7, para. 7) currently provides that revenues from tree replacement cash-in-lieu arrangements and from forfeited tree replacement securities may be used by the City to plant and/or maintain trees on City lands. Staff indicated that it is sometimes a challenge to find sufficient tree planting opportunities on City lands to utilize all available revenues, but there are other activities to enhance and protect the tree canopy that could in some circumstances benefit from the utilization of available revenues. While planting of new trees on city lands should remain the priority, other qualified activities could include: care and maintenance of trees on City lands, the development of programs to encourage and support the

planting of additional trees on private lands, and public education on the importance of enhancing and protecting trees and the tree canopy.

R14. The EAC recommends that Bylaw 1831 be amended to permit the utilization of tree replacement security and deposit revenues for a range of activities to enhance and protect the City's tree canopy, including: the planting of trees on City lands, care and maintenance of trees on City lands, programs to encourage and support the planting of additional trees on private lands, and public education on the importance of enhancing and protecting trees and the tree canopy.

R14 adopted by EAC on 17 December.

• Public Education

Public education can also play a role in securing compliance with tree protection regulations. Unfortunately, many people do not have an adequate appreciation for the importance of preserving trees, or know about or understand the relatively complex tree bylaw and approval process, or how to report bylaw violations that they observe. Although the City has user-friendly brochures, such as “Guide to the Tree Management Bylaw” and “Tree Protection Guidelines”, more and better information about tree protection and City requirements can be provided through the website or publications such as inserts in property tax notices. Such information should include the personal health benefits to individuals and their families from maintaining trees on their private property as well as the City's bylaw enforcement hotline. To these ends,

R15. The EAC recommends that Council direct staff to review and improve the methods by which residents and property owners are informed of the importance of tree preservation and the requirements of Policy 611 and Bylaw 1831, including the use of new tools for dissemination and for residents to notify the City when they believe Bylaw 1831 or Policy 611 are being contravened.

R15 adopted by EAC on 17 December.

2. Notice and Communications with Interested Third Parties on Specific Cases

• Public Notice and Third Party Communications regarding Trees on Private Land

Bylaw 1831 (Part 6 paras 2, 3, 4) requires that applications for permits affecting “shared trees” include a letter from the adjacent property owner agreeing to the proposed action. The Committee considers that this requirement is appropriate and should be retained. For trees situated entirely on an applicant's land:

- Prior to deciding on a Type 2 application (“unwanted trees”), Policy 510 (para. 3) prescribes that the City write adjacent property owners seeking their comments by a specified date. This affords useful input for City staff in considering the merits of an application, but implies no third party rights to appeal the issuance of a duly approved permit.
- Prior to deciding on a Type 3 application: the application is considered alongside the associated demolition or building permit application and is thus subject to all public notice and/or consultation requirements entailed in the City's Planning Procedures Bylaw 2234.
- Once a permit of any type is issued, Bylaw 1831 (Part 5 para 2) requires the posting of a notice (including a copy of the permit) on the property line of the concerned lot for the duration of the approved work. This signifies to the public that a property owner has met the legal requirements to secure a permit, but does not in itself imply any third party rights to contest the work in question.
- When a permit application is refused, Policy 510 para. 6 specifies that Type 2 permit decisions may be appealed to Council within 14 days -- but only by the applicant.
- Neither Bylaw 1831 nor Policy 611 establishes any third party rights to appeal the issuance of a permit.

These practices regarding public and third party notice are consistent with those of other Metro Vancouver municipalities. The Committee recognizes that creating additional third party legal rights to oppose or appeal the issuance of a permit would likely be neither practical nor legally sustainable. However, to

increase transparency and to bring City practice into line with the BC Community Charter (requiring that all municipal regulation of trees be done through bylaws), we recommend spelling out the notice and appeal provisions of Policy 510 in Bylaw 1831. At the same time, these provisions should be extended to Type 3 (as well as Type 2) procedures.

Additionally, the Committee believes transparency and accountability in the administration of the tree management permit system might be enhanced by requiring annual reporting to Council on the numbers of permit applications received, approved, or refused. Such reporting could be included in the previously suggested Annual Tree Canopy Report and would provide a vehicle for Council and the public to monitor the effectiveness of the Bylaw and consider possible improvements when and as warranted. Accordingly,

R16. The EAC recommends that:

- (a) The Policy 510 provisions regarding notice to adjacent property owners (para. 3) and applicant appeals (para. 6) be spelled out in Bylaw 1831 and extended to Type 3 (as well as Type 2) applications.**
- (b) The annual Tree Canopy Report to Council (see R2c) include statistics regarding tree permit applications (of all Types) received and approved or refused plus analysis of the consequent trends and implications for the effectiveness of the City's tree protection and canvas preservation and enhancement efforts.**

R16 adopted by EAC on 17 December.

- **Public Notice and Third Party Communications regarding Trees on City Land**

Existing Notice Requirements:

- Under Policy 611 (para 6.3.a), applications to trim, prune or remove a tree on City land to re-establish a private view are mailed by the City to all property owners within 30 metres of the tree, along with a form through which recipients may express support or opposition to the application. If clear support is expressed in 65% of responses received within 2 weeks, an application may be approved.
- Policy 611 (para 8) also specifies that requests to prune or remove City trees as part of an application for rezoning, or for development, demolition or building permits, will be treated as Type 3 permit applications pursuant to Bylaw 1831. Notice of such proposals is thus presumably included in any public notice required under the Planning Procedures Bylaw; and, once granted, any permit will be posted for the duration of the permitted work.
- Recommendation R7 above proposes the development of a new regulation and/or policy concerning "significant trees", and staff is preparing a revision of Operations Department Policy 612 regarding Dangerous Tree Removal in light of recent provincial guidance. These instruments will include explicit provisions on public notice and the Committee has no additional comments in this regard.

As regards proposals or decisions taken by the City to remove a tree on City land in any situation other than the foregoing: neither Bylaw 1831 nor Policy 611 appear to specify any requirements for third party or public notice or consultation. The Committee believes however that consistent, across-the-board notice requirements should apply to all situations in which removal of a City tree (larger than 6 cm) is contemplated. Public feedback would then be conveyed to Council when it is requested to consider the prospective removal as propose in recommendation R19(c). Consequently,

R16bis. The EAC recommends that Policy 611, Bylaw 1831 and the Planning Procedures Bylaw be reviewed and revised as necessary to ensure that notice of, and an opportunity to comment on, any application or proposal to remove a "City tree" for any reason is provided to property owners within 100 metres of the affected tree at least 14 days in advance of a decision.

R16bis adopted by EAC on 17 December.

3. Roles of Arborists in Decision Making

Bylaw 1831 requires that all private applications for tree management permits be supported by a tree assessment report and recommendation prepared by a private arborist. The current credentials specified for private arborists in the by-law include International Society of Arboriculture (ISA) certification, Tree Risk Assessor (TRAQ) certification or membership in the Association of BC Forest Professionals, the latter two of which do not in and of themselves signify the training or skills of a professional arborist. The exclusive credential required in other in other jurisdictions examined is ISA certification.

The City Arborist plays a critical role in the permit issuance process by reviewing the application and advising the Director of Planning on whether and under circumstances a permit should be issued. Bylaw 1831 (Part 10, para. 1) authorizes the City to enter and inspect any site that is subject to the bylaw; and while not explicitly required by the Bylaw or city Policies, the City Arborist currently does visit all sites that are under permit applications. The Committee is of the view that this practice, including site visits to inspect tree protection barriers, should be explicitly required under the Bylaw 1831 and Policy 611.

R17. The EAC recommends that

- (a) City requirements for a business license as an arborist and the definition of arborist in Bylaw 1831 be amended to provide that International Society of Arboriculture (ISA) certification is the sole and exclusive credential required for receipt of a licence.**
- (b) Procedures in Bylaw 1831 and Policy 611 be amended to require that City Arborists visit and inspect all sites under consideration before a tree permit is approved.**
- (c) Bylaw 1831 be revised to only allow City staff or agents to remove or plant trees on City lands.**

R17 adopted by EAC on 17 December.

4. Role of City Officials in Decision Making: Authority and Criteria to Approve Permits

• **Decisions re Trees on Private Land**

Under Bylaw 1831 (Part 4, para 1), the Director of Planning and Development Services has delegated authority to approve or deny applications for Type 1, 2 and 3 permits “if the application complies with the requirements... under Part 6”. Part 6 specifies procedural requirements including a range of documents that must accompany applications for each permit type, including in each case a tree assessment report and a statement of rationale for removal. However, substantive criteria for the granting of a permit specified only for Type 1 (hazardous tree) applications. The Bylaw provides no substantive criteria on which basis Type 2 or 3 applications may be assessed and a permit approved or denied. *Policy 510 - Criteria for Type 2 Tree Removal Requests on Private Lands* does specify some criteria for positive consideration, which boil down to preventing property damage or complete obstruction of a view. Two observations arise in this context:

- First, concerning the substance of any criteria, the current Policy 510 criteria for Type 2 applications seem appropriate -- as far as they go. However, some other jurisdictions employ more extensive and exacting criteria, including some that apply to Type 3-like situations (applications associated with demolition or building licence applications). For instance, the City of Vancouver allows removal of a tree to satisfy building envelope or other design preferences only if re-siting or alternative design approaches allowing retention of the tree are not possible.
- Second, as the BC Community Charter requires that all regulation of trees must be established by Bylaw, any criteria for assessing tree permit applications should figure in Bylaw 1831.

• **Decisions re Trees on City Lands**

Policy 611 (para. 6.6) asserts that decisions regarding applications to remove a City tree to restore a private view will be made by the Director of Engineering and Municipal Operations “whose decision is final”. At the same time, Policy 611 (para. 8) provides that applications to prune or remove a city tree associated with a rezoning, development, demolition or building permit application will be reviewed as type 3 requests under Bylaw 1831. Finally, all other activities regarding the management of City trees fall under the responsibility of the Director of Engineering, subject only to the general (unlegislated)

oversight of Council. In discussions with the Committee, the Director of Engineering has expressed the view, which the Committee supports, that criteria governing any decisions he might take regarding City trees should, like those for private trees, be specified in the bylaw.

Against this background,

R18. The EAC recommends that:

(a) Bylaw 1831 be amended to establish:

- (i) explicit criteria for approval of Type 2 and Type 3 tree management permits taking into account the provisions of Policy 510 and best practices in other jurisdictions including City of Vancouver.**
- (ii) appropriate criteria to govern decisions by City officials regarding the management of trees on City land.**

(b) Existing City policies, including 510 and 611, be revised to bring them into line with any bylaw amendments introduced pursuant to R18 (a) above.

R18 adopted by EAC on 17 December.

5. Council Oversight

• Oversight re Trees on Private Lands

Routine Applications: In the normal course of events, permit applications affecting trees on private lands come before Council for decision only on appeals against a decision by the Director of Planning to deny a permit (Bylaw 2234 s. 23 and Policy 510 para. 6). This applies to Type 1 (hazardous) and Type 2 (unwanted), as well as routine Type 3 (conforming building or demolition permit) applications. Council involvement in decisions on such matters in the first instance would not in the Committee's view be practical or necessary. However, transparency and accountability in the administration of Bylaw 1831 might be enhanced through annual reporting to Council on the numbers of permit applications received, approved, or refused. Such reporting could be included in the previously suggested Annual Tree Canopy Report and would provide a vehicle for Council and the public to monitor the effectiveness of the Bylaw and consider possible improvements when and as warranted.

Decisions affecting trees on private lands in the first instance: Only Type 3 applications associated with significant planning or development applications are presented for Council consideration in the first instance, pursuant to Planning Procedures Bylaw 2234. The Committee endorses Council's role in this regard, but notes that impacts on trees may often be obscured in the context of the many other factors that go into planning and development proceedings. Recommendation R1, reiterated below, seeks to mitigate that tendency and ensure Council's planning and development decisions are fully and transparently informed regarding their implications for tree protection and canopy enhancement.

• Oversight re Trees on City Lands

Council of course has general oversight of the actions taken and policies and procedures followed by officials managing all operations on City lands. Under Policy 611, Council is currently advised of officials' final decisions on applications to prune or remove a City tree to restore a private view (para. 6.6) and consulted on private Type 3 requests to prune or remove trees on City lands (para. 8). Beyond these limited circumstance, there are no City Bylaw or Policy provisions expressly requiring a role for Council in decisions on the management of City trees. However, it is the current practice of the Director of Engineering and operations:

- to advise and consult Council regarding the removal of a hazardous or dangerous City tree at least 7 days in advance of removal – unless more urgent action is necessary for public safety;
- to advise and consult Council before undertaking any other operations (eg, sidewalk, road, park works) involving removal of a City tree (6 cm. diameter or larger).

The Committee commends staff's proactive approach to engaging Council on decisions affecting City trees, but also believes that the public interest warrants a more explicit, mandatory role for Council in such matters. In this respect, Staff is currently preparing an update to the City's *Dangerous Tree Removal Policy 612*; and in R7 above, the Committee has recommended establishment of a "significant trees" regime whereunder only Council could approve removal of such a tree. Recommendations R. ___ below are designed to address all other circumstances in which we believe the Council should be engaged in decisions affecting trees on City lands.

- **Ongoing Monitoring of Tree Protection and Canopy Enhancement**

While it is important to ensure an appropriate role for Council in decisions on significant actions affecting individual trees, the Committee believes it is also vital for Council to play a proactive ongoing Council role in monitoring the effectiveness of the City's tree protection regulations and canopy enhancement efforts. Without determined and sustained attention from City officials and elected representatives, there can be little realistic prospect of truly improving the effectiveness of White Rock's tree protection efforts and reversing the decline of our tree canopy. The Committee has thus recommended in R2(c) above that Council regularly monitor progress achieved in protecting trees and enhancing the tree canopy in White Rock by reviewing annual Tree Canopy Plan reports from City staff.

- **Recommendations re Council Oversight**

Against all the foregoing background, the following recommendations suggest a framework for Council's role in the application of regulations and in ongoing monitoring of overall efforts to strengthen tree protection on both City and private lands and to protect and enhance the City's tree canopy.

R19. The EAC recommends that

- (a) The provisions of Policy 510 and Planning Procedures Bylaw 2234 establishing a right of appeal against negative decisions on private tree permit applications also be incorporated into Bylaw 1831.
- (b) Planning Procedures Bylaw 2234 be amended to require that all **corporate and Advisory Design Panel** reports and recommendations to Council regarding planning and development on private lands include a **written-statement description** of implications for tree protection and canopy enhancement. This requirement should apply whether or not a given matter is accompanied by a Type 3 tree permit application.
- (c) ~~Policy 611~~ **City Policies and procedures** be revised **as required** to prescribe that:
 - (i) All **corporate** reports and recommendations presented to Council regarding works to be conducted on City lands include a section describing any implications for tree protection and canopy enhancement.
 - (ii) Council be informed at least 14 days in advance of the proposed removal of any **"City tree"** **(a tree located on city lands with a trunk diameter at breast height (DBH) greater than that is 6 cm. in diameter or larger).**
 - (iii) Any member of Council objecting to measures arising under subparagraphs (i) and (ii) may request a Council discussion and decision on the matter.

OR

 - (iii) **Removal of any "City tree" as mentioned in (ii) requires approval of Council.**
- (d) Council conduct, on at least an annual basis, a public discussion of a Tree Canopy Report prepared by staff and including: statistics regarding tree permit applications (of all Types) received and approved or refused; actions taken by ~~the City officials~~ in the management of trees on City lands **including the use of revenues from tree permit fees and tree protection securities**; and analysis of the consequent trends and implications for the effectiveness of the City's tree protection and ~~canvas~~ **canopy** preservation and enhancement efforts.

D. GENERAL/MISCELLANEOUS RECOMMENDATIONS

1. Updating and Aligning Language of Bylaw and Policy Documents

During its review, the Committee has noted a number of inconsistencies and disconnects among various definitions, other terminology and procedures in the existing tree management Bylaw and Policy documents. Staff has also made a number of technical observations and suggestions in this regard. Finally, the Committee recognizes that the numerous changes it is recommending will necessitate a thorough technical review of these instruments to ensure their currency, clarity and consistency. Accordingly,

R20. [original R6] The EAC recommends that staff conduct a technical review and update of the texts of the Bylaws and Policies addressed in this report in order to identify any amendments, consistent with the EAC's recommendations, that may be needed to ensure the currency, clarity and consistency of these documents.

Adopted by EAC on 8 December 2020.