

POLICY 611: TEXT OF POLICY HIGHLIGHTING ISSUES TO BE ADDRESSED BY EAC IN CONSIDERING R4

Issue 1: Draft recommendation R4(a) proposes following revision to Policy Title:

Policy Title: Tree Protection, Canopy Enhancement & Management on City Lands

Issue 2: Draft recommendation R4(b) proposes following revision to Section 1 Statement of Policy:

1. Policy

~~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 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.~~

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 the Annex to this Policy.

2. Definitions

City Land - includes City property, *City Parkland*, public rights-of-way and easements, and property under lease to the City of White Rock.

City Parkland – means Bryant Park, Columbia & Balsam Hillside Park, Coldicutt Park, Memorial Park, Bayview Park, Oxford Street Park, Gage Park, Stager Park, Emerson Park, Upper Finlay (Davey) Park, Lower Finlay Park, Dolphin/Cliff Park, Five Corners Park, Ash Street Steps Park, Barge Park, Bergstrom Entrance Park, Hughes Park, Marine Drive Linear Park, Maccaud Park, Marine & Cypress Hillside Park, Prospect & Blackwood Hillside Park, Sanford Park, Stayte Road Entrance Park, Hodgson Park, Gogg's Park, Totem Park, Peace Arch Elementary Park, Rotary Park, Vidal & Beachview Park.

City Tree – a living, woody plant with roots and branches that has a trunk DBH greater than 6 centimeters.

DBH (Diameter at Breast Height) - means the diameter of the trunk of a tree at 1.4 metres above the base of a tree. For multi-trunk trees, each trunk shall be measured 1.4 metres above the highest point of the natural grade of the ground measured from grade and the DBH of the tree shall equal the cumulative total of the three largest trunk

Hazardous Tree - means a tree identified in writing by a Certified Tree Risk Assessor as having significant structural defects and an extreme hazard risk which could lead to part or the entire tree falling and causing personal injury or significant property damage.

Significant Tree – means any 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.

Tree Topping – means an inappropriate pruning technique to remove the top portion of a tree's main leader(s), resulting in an overall reduction in the tree's height, size and potential health or life expectancy.

View/View Corridor - A three dimensional area extending out from a viewpoint. The width and depth of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a relatively narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views, such as areas of ocean, have wider corridors. [Removal of this definition has been suggested by one member. See Issue 4 below.]

Issue 3: Draft recommendation R4(c) proposes amending Section 3 statement of management purposes by inserting a new para 3(a) 1 :

3. Management of City Trees

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.
2. for the trimming and removal of trees for health reasons, such as thinning, spacing, pruning and treatment of diseased trees;
3. for the trimming, pruning or removal of trees for safety reasons such as hazardous, dead or diseased trees that cannot be treated;
4. for the trimming or removal of trees and vegetation that interfere with visibility at intersections and driveway entrances, the illumination of City lands by street lighting, or pose a risk for damage to infrastructure such as water, sanitary, storm, sidewalks, power lines, etc.;
5. for the control of invasive species;
6. for the maintenance of views from City viewpoints;
7. for the maintenance of slope stability and other geotechnical purposes;
8. for the planting of replacement and new trees; and
9. for the removal and replanting of trees as part of a parks or right-of-way redevelopment plan.

b) The pruning or removal of a City tree is the sole responsibility of the City of White Rock and its authorized agents. The pruning or removal of a City tree without a City permit is subject to fines as detailed in Section 9 of this Policy.

c) The planting of trees, shrubs or other vegetation on City lands by White Rock property owners, residents or visitors is prohibited, unless authorized by a City Boulevard Improvement Permit. The City reserves the right to remove vegetation that has been planted on City property without a permit.

d) Trees are considered to be joint property of the City and a property owner when any part of the tree trunk crosses a shared property line.

4. Exemptions

This policy does not apply to trees on City lands that are cut, removed or damaged, pursuant to the *Railway Safety Act*, R.S. 1985, c. 32 (4th Supp.), the *Hydro and Power Authority Act*, R.S.B.C. 1996, c. 212 or the *Pipeline Act*, R.S.B.C. 1996, c. 364.

5. Fines

Any person who willfully prunes, damages or removes a tree from City lands is guilty of an offense and is liable to the fines and penalties as set forth in the *City of White Rock Ticketing for Bylaw Offences Bylaw*, 2011, No. 1929, as amended, and any penalties imposed by the *Offense Act* R. S. B. C. 1996, C. 338.

Issue 4: PROCEDURE TO RESTORE A PRIVATE VIEW.

Draft recommendation R4(d) proposes moving the procedure for applications to restore a private view from the body of the Policy to an Annex.

A subsequent additional proposal tabled by a member-- as a preferred proposed alternative to eliminating the procedure -- would entail a **significant change in the scope of, and criteria for, permissible action to restore a private view. Specifically, it has been proposed that:**

“ Policy 611 be amended to 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 application property, and to prohibit the removal of city trees for the re-establishment of views. In addition, amend the policy to remove the definition of "narrow corridor" or "single object" views, and 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.”

The Annex below illustrates a number of textual amendments that might flow from this proposal. (Eventual drafting of the revised by staff might entail additional textual changes.)

ANNEX: APPLICATIONS TO PERMIT THE PRUNING ~~OR REMOVAL~~, CROWN THINNING OR WIDTH REDUCTION OF A TREE ON CITY LAND

1. [Old 5.] Refusal of Requests to Prune or Remove Trees on City Lands

The following types of requests ~~to remove a tree on City land~~ will not be considered:

- a) A tree will not be removed from City lands in order to restore a private view.
- ~~a)~~ b) A tree will not be pruned or removed from City lands due to concerns related to size, shade or leaf, flower, pitch or seed litter. These are naturally occurring situations inherent to a tree and will not be considered as justification for tree pruning or removal.
- ~~b)~~ c) A tree will not be pruned or removed from City lands:
 - i) during bird nesting season from February 1 to August 31,
 - ii) which has evidence of active nesting, or
 - iii) has evidence of use by raptors, as defined in the *Section 34* of the *Wildlife Act*, *R.S.B.C. 1996, c. 488*.
- ~~c)~~ d) A *significant tree* on City lands will not be pruned or removed.
- ~~d)~~ e) A tree on *City parkland* will not be pruned or removed.
- ~~e)~~ f) A tree in a City ravine area will not be pruned or removed in contradiction to the federal *Fisheries Act* and the provincial *Riparian Areas Regulations*.
- ~~f)~~ g) A tree will not be pruned or removed from City lands to establish a new view.

~~g)~~ h) A tree on City land will not be topped. The topping of a tree can cause permanent damage by promoting decay as well as leading to hazardous conditions due to unnatural, dense and weak branching structure. Previously topped trees may be considered for re-topping, provided that the re-topping, in the opinion of the City Arborist, will not result in future hazardous conditions for the tree.

2. [Old 6] Applications to Permit the Pruning ~~or Removal~~ of a Tree on City Lands

- a) City policy is to retain trees on City lands ~~where practical~~. However, residents may apply for the trimming, pruning or removal of trees on City lands as outlined below. (Application Form- Appendix A)
- b) Applications are made to the City's Department of Engineering and Municipal Operations.
- c) The pruning ~~or removal~~ of a healthy tree on City land is a private benefit to the property owner. All costs necessary for the approved pruning ~~or removal~~ of a tree on City land, as determined by the Director of Engineering and Municipal Operations, will be at the expense of the applicant.
- d) Applications to trim ~~or~~ prune ~~or remove~~ a tree on City land to re-establish a view will be considered only in those instances in which a White Rock property owner is able to clearly demonstrate that a City tree has grown over a period of time to **completely** obscure an established view from their White Rock property.

2.1 [Old 6.1] Applicant Requirements

- a) Applicants must be an owner of a property in White Rock within 30 metres of the tree under application.
- b) Applicants must have owned the property for which the application has been made for a continuous period of not less than 2 years.
- c) No more than 1 application to prune or remove a specific tree(s) will be considered from a the same property owner within a 2 year period.

2.2 [Old 6.2] Application Submission Requirements

- a) Completed tree trimming/pruning/~~removal~~ application.
- b) Written rationale describing the manner in which a view has been obscured by tree growth, and the manner in which the applicant wishes to have the tree pruned ~~or removed~~ in order to re-establish a view.
- c) Non-refundable fee as outlined in the City of White Rock Planning and Procedures Bylaw, 2009, No. 1869.
- d) Property title demonstrating 2 years of continuous property ownership prior to the date of application.

- e) Photographic and/or graphic information that clearly demonstrates the manner in which a view has become obscured by tree growth. City staff may require a site visit to substantiate the information submitted. Refusal to allow City staff to access a property may result in the closing of the application.
- f) Funds for geotechnical/hydrological assessments, as deemed necessary by the Director of Engineering & Municipal Operations in order to review the application.

2.3 [Old 6.3] Notification Prior to Decision

The City will provide notification as follows:

- a) The City will mail letters, with an attached response form, to all White Rock property owners within 30 metres of the tree under application, notifying the property owners of the application, the rationale provided for tree pruning ~~or removal~~, providing a recent photograph of the tree, and requesting that the White Rock property owners complete the response form and submit it to the Engineering and Municipal Operations Department, indicating either support or opposition to the application.
- b) Response forms indicating support or opposition to the proposed tree pruning ~~or removal~~ are to be received within 2 weeks of the letter delivery. Any response forms received after this time period will not be considered.

2.4 [Old 6.4] Criteria for Decision

[Note: The importance of criteria for approving an application has been highlighted in Committee discussions. Does any member wish to propose any further additional criteria, or propose that staff be directed to develop such criteria? Does draft recommendation R18(b)(ii) adequately address this concern?]

- a) The tree under application must be clearly demonstrated to have increased in size to **completely** obscure an established view from the application property, as determined by the Director of Engineering and Municipal Operations.
- b) 65% of the response forms received by the Engineering and Municipal Operations Department from White Rock property owners within 30 metres of the tree must indicate support for the proposed tree pruning ~~or removal~~. A maximum of one property owner response form will be considered from each White Rock address. Only response forms clearly indicating support or opposition to the proposed tree pruning ~~or removal~~ will be considered. Responses or surveys submitted on behalf of nearby property owners or residents will not be considered.

2.5 [Old 6.5] Application Approval Requirements

- a) Submission of funds for retaining systems and hydrological improvements, as determined by the Director of Engineering & Municipal Operations.
- b) Submission of tree pruning, ~~tree removal~~ and cleanup costs.

c) Submission of funds for tree replacement, as follows: [Would replacement requirements be eliminated if removal applications are not entertained?]

- (a) 6 – 50 cm DBH tree removed - \$2,000
- (b) 51 cm to 65 cm DBH tree removed - \$9,000 (c) 66 cm to 75 cm DBH tree - \$12,000
- (d) 76 cm to 85 cm DBH - \$15,000
- (e) Greater than 85 cm DBH tree - \$18,000

2.6 [Old 6.6] Application Decision

[Note: this section may require eventual adjustment in light of recommendations R16 and R19 regarding public notice and Council oversight.]

- a) The approval or denial of an application to prune ~~or remove~~ a tree on City lands will be made by the Director of Engineering & Municipal Operations, whose decision is final.
- b) A final decision on an application to prune or remove a tree on City lands will be provided in a timely manner, and in any case within 60 days of the date of application, unless extended by mutual agreement between the applicant and the Director of Engineering and Municipal Operations.
- c) Written confirmation of the decision will be provided to the applicant, all White Rock property owners within 30 metres of the tree, and Council.

3. [Old 7] Tree Pruning, Removal and Planting

- a) All tree pruning, ~~removal~~ and replacement resulting from an approved application to prune ~~or remove~~ a tree on City lands will be conducted by City staff and/or their designated agents.
- b) A minimum of 2 trees will be planted on City property as replacements for each tree removed as a result of an approved tree removal application, except as detailed in the following sections c) and d).
- c) Securities submitted for tree replacement may be applied to the installation of any form of vegetation, including trees, on City lands, as determined by the Director of Engineering & Municipal Operations.
- d) Trees planted as new or replacement trees will be sited and of a species such that they will not grow to ~~completely~~ obscure established views from White Rock properties.

4. [Old 8] Trees on City Lands Impacted by Development

Requests to prune or remove City trees that are the result of applications for rezoning, development permit, demolition permit, building permit, or subdivision of properties within 30 metres of the tree will be reviewed as Type 3 requests under Tree Management Bylaw No. 1831, in conjunction with the development proposal and forwarded to Council for decision simultaneous with the development proposal. Application fees, securities, proposals for cash-in-lieu, replacement trees, tree protection, and inspection and assessment shall be as outlined in Parts 7 to 10 of Bylaw No. 1831.