UPDATING & STRENGTHENING WHITE ROCK'S TREE PROTECTION & MANAGEMENT

EXECUTIVE SUMMARY

In July 2019, Council requested the Environmental Advisory Committee (EAC) to review White Rock's principal tree management instruments, *Tree Management Bylaw 1831 and Tree Management on City Lands Policy 611*. The record of this referral underscores Councillors' concerns regarding both decision-making processes and the effectiveness of the City's tree protection efforts – the latter against the background of City and Metro assessments documenting a serious decline in White Rock's tree canopy over the past two decades.

Over the course of 17 meetings beginning in September 2019 (interrupted by a 6 month recess due to COVID-19) the Committee has developed 20 recommendations designed to:

- Clarify the stated purposes of the City's tree management regulations and policies,
- Update and strengthen the norms or standards in place to achieve those purposes, and
- Improve, and enhance transparency in, procedures for implementation of the norms, including through arrangements to strengthen Council oversight and accountability.

In sum, the Committee has concluded that a comprehensive approach, including important changes to existing regulations and policies, underpinned by sustained attention from City officials and elected representatives, offers the only realistic hope of reversing the loss of trees and canopy in White Rock.

Consequently, most recommendations contemplate amendments to Bylaw 1831 or Policy 611: any such amendments would require preparation by City Staff of formal drafts for consideration by Council. Others recommend that Staff undertake further work and prepare possible additional proposals, including measures to strengthen tree protection through zoning and planning regulations and procedures.

The *Draft Resolution for Council's Consideration,* at pages 2 to 4, is hereby presented as a possible Council decision document, providing a framework for Council to:

a) Review the Committee's recommendations, with a clear focus on the ultimate decisions it is being invited to consider, ie, Bylaw or Policy amendments;
b) Direct Staff to initiate implementation steps for those recommendations with which it agrees.

The *Background, Analysis and Recommendations* beginning at page 5 provide a detailed account of the Committee's review and thus constitute essential reference material for Council. Consequently, the EAC has requested that the full report be placed before Council when it considers this matter. [Square-bracket citations R1 to R20 in the Draft Resolution refer to the full text of the recommendations as provided in EAC's Report.]

Final Council decisions on any proposed Bylaw or Policy amendments will of course be taken only if and when Council adopts the draft instruments eventually prepared by staff.

The EAC stands ready to provide any further advice Council might request as it considers this matter.

In concluding, the EAC expresses its appreciation to City Staff for the support and advice they have provided throughout this review process. The exceptional expertise and commitment they have demonstrated should stand Council in excellent stead as it undertakes to strengthen White Rock's tree protection and canopy enhancement efforts.

Environmental Advisory Committee 21 January 2021

DRAFT RESOLUTION FOR COUNCIL'S CONSIDERATION

White Rock City Council:

Recognizing the critical role played by trees on both private and public lands in maintaining the health of ecosystems and the quality of human habitats in urban settings,

Concerned by the loss of trees and decline of tree canopy that have occurred over the past decades in White Rock, particularly on private lands,

Determined to strengthen the City's efforts to protect its trees and preserve and enhance its tree canopy, and

Having considered the Report of the Environmental Advisory Committee titled "Updating and Strengthening White Rock's Protection and Management of Trees",

1. Directs staff to prepare for Council's consideration a proposed revision of *Tree Management Bylaw 1831,* based on the EAC's recommendations, to:

a) Change the title of the Bylaw to "*White Rock Tree Protection Bylaw*". [R3]

b) Reduce the minimum size for the definition of *"protected tree"* to a trunk DBH of 20 cm or less. [R5]

c) Provide that "significant trees" on private or City lands, to be defined pursuant to a "Significant Tree Policy" to be developed and presented to Council by Staff, will not be removed for other than safety reasons or as approved by Council. [R6]

d) Remove fruit trees, alders and cottonwoods from the definition of "lower value trees". [R7]

e) Establish a new, Type 4 Permit category entailing reduced fees, documentation and/or replacement tree requirements for situations in which a tree is causing serious demonstrable damage, or risk thereof, to an existing building or infrastructure. [R12]

f) Authorize the utilization of tree replacement security and deposit revenues for a broadened range of activities to enhance and protect the City's tree canopy. [R13]

g) Incorporate Policy 510's provisions regarding notice to adjacent property owners and applicant appeals for Type 2 permit applications and extend these provisions to Type 3 applications, as well as incorporate Planning Procedures Bylaw 2234's appeal provisions. [R15(a), R19(a)].

h) Require that notice of, and opportunity to comment on, any application or proposal to remove a "City tree" be provided to property owners within 100 metres of the affected tree at least 14 days in advance of a decision. [R16]

i) Establish International Society of Arboriculture (ISA) certification as the sole and exclusive credential in the definition of "arborist". [R17(a)]

j) Require that City Arborists visit and inspect all sites under consideration for a tree permit. [R17(b)]

k) Provide that only City Staff or agents are allowed to remove or plant trees on City lands. [R17(c)]

l) Establish explicit criteria for approval of Type 2 and Type 3 ~~tree management~~ permits and to govern decisions by officials regarding the management of trees on City land, taking into account the provisions of Policy 510 and best practices in other jurisdictions. [R18(a)]

m) Incorporate any amendments, consistent with the EAC's recommendations, that may be needed to ensure currency and clarity and consistency with other bylaws and policies. [R20]

2. Directs staff to prepare for Council's consideration a proposed revision of *Tree Management on City Lands Policy 611,* based on the EAC's recommendations, to:

a) Change the title of the Policy to *"Tree Protection, Canopy Enhancement and Management on City Lands*". [R4(a)]

b) Revise the Section 1 Policy Statement 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 I to this Policy." [R4(b)]

c) Insert in Section 3 "Management of City Trees", a new clause 3(a)1 specifying an additional statement of purpose to read as follows: "For the overriding purposes of protecting existing trees and increasing the number of healthy trees and amount of tree canopy". [R4(c)]

d) Transfer the provisions of Sections 5, 6, 7 and 8 to an Annex to the Policy. [R4(d)]

e) Limit the criteria under which applications for pruning, crown thinning, or width reductions are approved 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 property. [R4(e)]

f) Prohibit the topping or removal of city trees for the re-establishment of views. [R4(f)]

g) Remove references to "narrow corridor" and "single object" views in the definition of "view/view corridor". [R4(g)]

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(h)]

i) Provide that "significant trees" on City lands, to be defined pursuant to a "Significant Tree Policy" to be developed and presented to Council by Staff , will not be removed for other than safety reasons or as approved by Council. [R6]

j) 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, and specify ambitious replacement requirements for trees that must be removed. [R8]

k) Require that notice of, and opportunity to comment on, any application or proposal to remove a "City tree" be provided to property owners within 100 metres of the affected tree at least 14 days in advance of a decision. [R16]

l) Require that City Arborists visit and inspect all sites under consideration for a tree permit. [R17(b)]

m) Incorporate criteria established in the revised Bylaw 1831 to govern decisions taken by officials regarding the management of trees on City lands. [R18(b)]

n) Incorporate any amendments, consistent with the EAC's recommendations, that may be needed to ensure currency and clarity and consistency with other policies and bylaws. [R20]

3. Further directs staff to:

a) Develop proposals to give tree preservation and canopy enhancement greater and more explicit priority in zoning and planning regulations and procedures throughout the City. [R1]

b) Develop proposals for the adoption of an explicit canopy recovery target (eg, 27% canopy coverage by 2045), for increasing the currently projected maximum number of trees (2500) that can be planted on City land, and for increasing lands on which the City can plant additional trees to help meet the target. [R2(a)]

c) Investigate and report to Council on means to prevent the removal of or interference with trees, and to facility the planting of trees, by the City and BNSF on BNSF lands. [R2(d)]

d) Review regulations and policies concerning "significant trees" and "heritage trees" and establish a consolidated definition of "significant tree", a "Significant Tree Policy" and a "Significant Tree Registry". [R6]

e) Review fees, securities, replacement values and fines to ensure they are commensurate with best practices conducive to preserving and increasing the number of healthy trees and the amount of tree canopy in the City. [R9]

f) Review and present any appropriate advice to Council regarding methods and resources employed to ensure effective enforcement of Bylaw 1831 and Policy 611. [R10]

g) 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. [R11]

h) Review and improve methods by which residents and property owners are informed of the importance of tree preservation and the requirements of Policy 611 and Bylaw 1831, and how to notify the City when they believe the Policy and Bylaw are being contravened. [R14]

i) Establish International Society of Arboriculture (ISA) certification as the sole and exclusive credential required for a business licence as an arborist. [R17(a)]

j) Develop amendments to Planning Procedures Bylaw 2234 to require that all corporate and Advisory Design Panel reports and recommendations to Council regarding planning and development on private lands include a description of implications for tree protection and canopy enhancement. [R19(b)]

k) Develop revisions to City policies and procedures, including Policy 611, 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) All members of Council be informed at least 14 days in advance of the proposed removal of any "City tree".

(iii) Any member of Council objecting to measures arising under subparagraphs (i) and (ii) may request a Council discussion and decision on the matter. [R19(c)]

4. Decides to:

a) Monitor progress in achieving UFMP or canopy coverage goals through annual Tree Canopy Reports to Council that include statistics regarding tree permit applications; actions taken by the City in the management of tree on City lands including the use of revenues from tree permits and tree protection securities; and an analysis of trends and implications for the effectiveness of the City's tree protection and enhancement efforts. [R2(c), R15(b) R19(d)]

b) Conduct, on an annual basis, a public discussion of Tree Canopy Reports prepared by staff. [R19(d)]

BACKGROUND

On July 22, 2019, Council requested the EAC to 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 controversial 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 high-profile 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 evidenced 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 at breast height (DBH), 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 hazardous 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.

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, to control invasive species, or as part of a parks or right-of-way redevelopment.

- 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. In late 2019, 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 an updated 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 (DPA) Guidelines to increase the quantity and/or enhance the protection of trees in all DPAs.

As part of the OCP Review initiated following the 2018 municipal elections, Council's Land Use and Planning Committee directed staff in September 2020 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. Due to delays and resource challenges caused by the COVID-19 crisis, the scope of the OCP review exercise was recently reduced to exclude further immediate work on the "Greening of the City [beyond the Town Centre]" among other themes. At the same time though, Council adopted an updated set of Strategic Priorities among which "improving environmental stewardship" was introduced as the second of six new priorities for the balance of Council's term. Within that context, this EAC review, focused on "protect[ing] and increas[ing] tree canopy and enhanc[ing] greenspace, was specified as a "high priority".

ANALYSIS AND RECOMMENDATIONS

The EAC considered this referral, often as its leading or only substantive agenda item, over the course of 17 meetings from 5 September 2019 to 21 January 2021. The analysis and recommendations outlined in the following pages attempt to come to grips with three fundamental sets of questions:

A. **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 recommendations here address aspects of higher-level or broader City strategies and issues including zoning and planning regulations and procedures, UFMP and the OCP Review, and trees on railway lands, and propose clearer and stronger statements of purpose for Bylaw 1831 and Policy 611.

B. N**orms: Are the rules and standards** established by the instrument adequate to advance or achieve the agreed purposes and priorities? Recommendations here address approaches to "protected", "significant", "heritage" and "lower value" trees as well as tree replacement requirements.

C. **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), use of revenues, public education, notice requirements and decision-making procedures and criteria 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 current OCP and the ongoing OCP Review exercise underscore the 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 the Committee 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.

- **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 proposed 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, and completing the exercise was identified as only a "low priority" in Council's recent update of its Strategic Priorities for 2021-22 .

The EAC recognizes that resource strains in the wake of COVID-19 militate against resuming a conventional standalone UFMP strategy exercise. However this should not necessarily preclude adopting the basic principles and targets generated by the 2015 exercise.

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) Council endorse the key objectives and targets developed in the 2015 UFMP exercise by:
(i) recognizing 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) committing to increase the currently projected maximum number of trees (2500) that can be planted on City land; and
(iv) directing staff to develop strategies for increasing lands on which the City can plant additional trees to help meet the target.
(See recommendation R19b.)

(b) Progress in achieving these objectives and targets should be monitored through the presentation of annual Tree Canopy Reports to Council (see Recommendation R15 and R19d).

(c) Council direct staff to investigate and report to Council on means to prevent the removal of or interference with trees, and to facilitate the planting of trees, by the City and BNSF on BNSF lands.

2. Purposes and Priorities of Bylaws and Policies

- **Clarifying Purpose of Bylaw 1831**

Bylaw 1831 is currently entitled "White Rock Tree Management Bylaw". This report includes a number of substantive amendments to strengthen the Bylaw's effectiveness in protecting trees. At the same time, EAC believes the far-reaching importance of tree preservation, as reflected in the OCP and recognized by environmental science, could be better conveyed at the outset through a simple rebranding amendment mirroring practice in many other jurisdictions:

R3. The EAC recommends that the title of Bylaw 1831, currently entitled "White Rock Tree Management Bylaw", be changed to "White Rock Tree Protection Bylaw".

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

The Committee suggests a similar update of the title of Policy 611, currently entitled "Tree Management on City Lands". At the same time, the EAC recommends updating 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 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). 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 procedure to restore private views.

- Furthermore, and quite inappropriately, the current procedure entails less stringent criteria than those applicable to property owners wishing to remove a tree on their own property to restore a view: 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 pruning, crown thinning, or width reductions are approved 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 property.

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

(g) Remove references to "narrow corridor" and "single object" views in the definition of "view/view corridor".

(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.

B. Do the Norms Adequately Advance the Purposes and Priorities?

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); trees with nests used by certain bird species; and certain special tree species. The 30 cm criterion is still used in some municipalities and appears to have been a widely used historical standard. However, the only municipalities now using this standard in Metro Vancouver are White Rock, Surrey, 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 protects 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.

- **Significant Trees**

A *"significant tree"* is defined in Policy 611 "as 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." The Policy appropriately declares that no "significant tree" nor any tree on City parkland will be pruned or removed in response to a view restoration request. However, Bylaw 1831 includes no provisions mandating protection of "significant trees". At the same time, 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 does provide for the designation of "heritage trees ... of cultural or historical value to the City", and in 2001, the City adopted *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. Addressing this issue has been identified as a "high priority" in Council's recently updated Strategic Priorities. Against this background,

R6. 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.

- **Lower Value Trees**

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 agrees there is no convincing arboricultural need or justification for designating healthy trees of any species as "lower value". Accordingly,

R7. The EAC recommends that Bylaw 1831 be revised by removing fruit trees, alders and cottonwoods from the definition of "lower value trees".

2. Tree Replacement Requirements

- **On Private Lands**

As noted above, under Bylaw 1831, in most cases where "protected 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 Arborist 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.

- **On City Lands**

Policy 611 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,

R8. 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; and

(b) if they must be removed, ambitious replacement requirements should be specified.

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 consequences of non-compliance.** High costs associated with compliance may discourage some people from adhering to the bylaw, and lax enforcement or low fines may not be sufficient deterrents. Bylaw 1831 is enforced, and violations identified, by 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,

R9. 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. 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. 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.

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

Each of the three existing 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 (currently prescribed as one possible qualification for a Type 2 permit), these costs may be seen as unduly punitive, and may in some cases lead to the work being done without securing a permit and/or in a technically deficient manner resulting in excessive or unnecessary damage to the tree. To address this concern,

R12. 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 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.

- **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.

R13. 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.

- **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, know about or understand the relatively complex regulations and policies, or know 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", information about tree protection and City requirements might reach a broader audience through the City website or publications such as inserts in property tax notices. Such information could 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,

R14. 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.

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

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

Existing Requirements:

- 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 removal. 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 publicly signifies that a property owner has met the legal requirements to secure a permit, but it does not imply any third-party rights to contest the work in question. Neither Bylaw 1831 nor Policy 611 establishes any third-party rights to appeal the issuance of a permit.

  - 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.

The Committee understands the above-noted practices regarding public and third-party notice are consistent with those of other Metro Vancouver municipalities, and 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 (in addition to Type 2) permit 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, and 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,

R15. 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 R2b and R19d) 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 canopy preservation and enhancement efforts.**

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

Existing 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. Para 6.4 specifies that, 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.

- As regards City proposals or decisions taken remove a tree on City land in any situation other than the foregoing: neither Bylaw 1831 nor Policy 611 specifies any requirements for third party or public notice or consultation.

Recommendation R6 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 should include explicit provisions on public notice and the Committee has no additional comments in this regard. 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.** In addition, notifying residents within only 30 meters, as is currently set out in Policy 611, is insufficient; instead, a 100 m radius, which is used for many other White Rock city notices, would be appropriate for these notices. Public feedback would then be conveyed by staff to Council when it is advised of the prospective removal as proposed in recommendation R19(c). Consequently,

R16. 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.

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 Bylaw 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 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 and Development Services 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. While not explicitly required by the Bylaw or city policies, the City Arborist currently does in fact visit all sites that are under permit applications. The Committee believes this practice, including site visits to inspect tree protection barriers, should be explicitly required under the Bylaw 1831 and Policy 611.

Finally, while Policy 611, para 3(b) provides that pruning or removal of a city tree is the sole responsibility of the City or its agents, this restriction is not contained in Bylaw 1831, which the Committee considers necessary to lawfully prohibit unauthorized private actions on City lands.

Against this background,

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.

(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.

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

- **Decisions re Trees on Private Land**

Current Situation:

- Under Bylaw 1831 (Part 4, para 1), the Director of Planning and Development Services enjoys 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, such as a tree assessment report and a statement of rationale for removal.

- Substantive (as opposed to strictly procedural) criteria for granting a permit are specified only for Type 1 (hazardous tree) permit applications.

- Bylaw 1831 provides no substantive criteria on which basis Type 2 or 3 permit 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.

The Policy 510 criteria for Type 2 decisions 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. Furthermore, the BC Community Charter requires that all regulation of trees must be established by Bylaw: any criteria for assessing tree permit applications should thus be specified in Bylaw 1831 rather than merely in policy statements.

- **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 and Municipal Operations, subject only to the general (unlegislated) oversight of Council. In discussions with the Committee, the Director of Engineering and Municipal Operations 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.

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 and Development Services 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 would be enhanced through annual reporting to Council on the numbers of permit applications received, approved, and 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.

Non-routine Applications: 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 considers Council's role in this regard appropriate, 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. Building on recommendation R1, the recommendations below seek 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 considers Type 3 requests to prune or remove trees on City lands (para 8) in connection with a development proposal. Beyond these limited circumstances, 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 Municipal 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;

- 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 R6 above, the Committee has recommended establishment of a "significant tree" regime whereunder only Council could approve removal of such a tree. The recommendations below are designed to address all other circumstances in which we believe the Council should be more actively 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 an ongoing proactive 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 Reports from City staff.

- **Recommendations re Council Oversight**

Against all the foregoing background, the following recommendations are designed to enhance Council's role in the application of policies and 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 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) City Policies and procedures be revised 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) All members of Council be informed at least 14 days in advance of the proposed removal of any non-hazardous "City tree" (a tree located on city lands with a trunk diameter at breast height (DBH) greater than 6 cm.).

(iii) Any member of Council objecting to measures arising under subparagraphs (i) and (ii) may request a Council discussion and decision on the matter.

(d) Council conduct, on an annual basis, a public discussion of a Tree Canopy Report (see R2b and R15b) prepared by staff and including: statistics regarding tree permit applications (of all Types) received, and approved or refused; actions taken by the City in the management of trees on City lands including the use of revenues from tree permit fees and tree protection securities; and an analysis of the consequent trends and implications for the effectiveness of the City's tree protection and canopy preservation and enhancement efforts.

D. General/Miscellaneous

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. The EAC recommends that Council direct staff to 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.