

Referral to EAC Concerning Cutting of Vegetation along Marine Drive at the Hump

Discussion Paper by Phil Byer, Revised August 3, 2022

BACKGROUND TO REFERRAL

Council, on February 28, 2022, directed staff to report back on the feasibility of bringing maintenance of the “Hump” greenery to pre-2019 levels including compliance to new policies in place as well as budget implications.

On May 30, 2022, staff provided a report to Council with 5 appendices. Appendix B is a staff report to Council dated July 22, 2019 and titled “Marine Drive “Hump” Vegetation Management Plan”. That 2019 report proposed regular blackberry bushes trimming three times per year and trimming of the tree shoots (from stumps) every three years. This would allow the stumps to remain alive but not allow the shoots to grow to the extent that they would block views. A review of that plan from a stump health perspective by the former Manager of Parks (included as attachment to Appendix E) concluded that:

All of the species in this plant community are adapted to regenerate after fire or grazing events and will regenerate vigorously if cut back to < 1m in height. A program of cutting back vegetation every three years will not have a negative effect on the health and vigor of this plant community. Woody plants will produce 1 m – 5 m of regrowth each year after having been cut back. Allowing 2-3 years of regrowth will allow plants to continually support a healthy root system.

As a result of the 2019 report, Council (Motion 2019-311) directed staff to maintain, e.g. cut, the bushes, but not the trimming of the trees; and endorsed the amended (i.e. excluded trimming of trees) Marine Drive "Hump" Vegetation Management Plan.

The recent (May 30) staff report included as Appendix E, a report from GeoWest Engineering geotechnical engineers which concludes:

The majority of the Hump is inclined at or near its angle of repose. The vegetative cover provides a vital role in maintaining its stability by way of root reinforcement and by controlling surface water and groundwater pore pressures. Deeper rooting tree species provide the greatest mechanical root reinforcement benefit, but taller growing trees can become a destabilizing windthrow hazard and would also block views from Marine Drive.

It is our considered opinion that vegetation management on the Hump by way of tree cutting will be beneficial for the slope stability, provided that appropriate native woody species well suited for the exposure and climate are established and maintained throughout the steep hillside area.

The May 30 staff report concludes with the following:

OPTIONS / RISKS / ALTERNATIVES

It is feasible to carry out more extensive vegetation trimming on the Hump, including trimming of the tree shoots, in the first 5-10 metres south of the fence subject to the financial,

environmental, social and other challenges outlined in this report. The benefits of improved views would accrue to nearby residents, pedestrians, and tourists.

Another option available for Council's consideration is to direct staff to continue with trimming blackberry bushes immediately south of the fence only. However, this would not address the other vegetation that will continue to block the views of some residents, pedestrians and those seated on the benches on the sidewalk along the Hump. It will also result in an unkept look which is contrary to White Rock's image as a beautiful tourist friendly City and with increased growth of tree shoots, continue to reduce the views along the Hump.

CONCLUSION

More extensive trimming of the growth south of the Hump is feasible subject to the allocation of financial resources of approximately \$25K. This would improve views for residents, pedestrians and visitors and result in a more groomed appearance of the area south of the Hump.

On May 30, Council referred the staff report to the EAC for our review and comment(s). The motion to refer included that the Geotechnical Engineer noted in the report will be available at the EAC to provide further information as required.

PHOTOS OF THE AREA

At the end of this document are photos showing views from the sidewalk on Marine Drive toward the vegetation, water and pier. These photos were taken in mid-June 2022.

PREVIOUS RELATED WORK BY EAC

The EAC recently addressed several issues related to the cutting of vegetation. These include Parks Management, and Tree Protection including revisions to Policy 611 that addresses management of city trees, and revisions to Bylaw 1831 (now Bylaw 2407) that applies to trees on private property. Included in the EAC recommendations about tree protection are comments and a recommendation about trees on BNSF lands. Below are summaries of EAC's work that may be relevant to this referral about cutting along the Hump.

Because of EAC's past work and broader issues concerning vegetation on the BNSF lands raised by this referral, the EAC may want to consider and provide advice on those broader issues, in addition to commenting on the more specific matters raised in the May 30 staff report.

Parks Management: Sustainable Landscape Design

Council approved the following on December 2, 2019 (Motion 2019-575): The Environmental Advisory Committee recommends that the City adopt sustainable design principles and guidelines for the management of City parks. Further, it is recommended that the City develop, in consultation with the Environmental Advisory Committee, a multi-year plan to phase in implementation of sustainable design principles and guidelines into its annual Parks operational plans.

No information has been provided by the City to the EAC about further actions related to this.

For the bushes being considered for cutting, much of it (perhaps about half) is Himalayan blackberry, which is a fast-growing invasive species. Included in sustainable design principles and practices should be the reduction or removal of invasive species and use of native plants. The cutting and selective removal of some of these blackberry plants might encourage the growth of native species.

Trees on BNSF Lands: Importance of Protection of Tree Canopy

The EAC Tree Report to Council, January 21, 2021, Page 8 stated “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.”

The EAC therefore made the following recommendation: R2 (c). The EAC recommends that: 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.

On February 22, 2021, Council (Motion 2021-091) referred this, along with other recommendations, to staff. To date, there has been no staff report to Council on this.

Bylaw 2407: White Rock Tree Protection Bylaw for trees on private lands

Since BNSF owns the land on which the vegetation would be cut, this Bylaw may apply to the protection of trees on this land, and in particular to the cutting of “protected trees”, i.e. trees with trunk DBH over 20 cm. The legal status of this Bylaw for railway lands within the City should be clarified. However, none of the tree shoots proposed for cutting at this time appear to be close to this size. But given concerns about past cutting of large trees in this area, and that trees (and tree shoots) will continue to grow, the EAC may want to look into what approvals would be required under the Bylaw for BNSF or future Councils to cut or remove trees on these lands.

Policy 611 (revised February 2022): Tree Protections, Canopy Enhancement and Management on City Lands

Since the vegetation is on BNSF lands that are not under lease by the City, this Policy does not apply. However, there are various reasons why the City may want to apply the policy when the City makes decisions about cutting trees on these lands. An addendum to this document provides excerpts from the Policy.

COMMENTARY

While the lands south of Marine Drive on the Hump are BNSF lands and are not leased or controlled by the City, the City can, as is now being considered, seek BNSF permission to cut vegetation on these lands. This land is surrounded on three sides by City parks; immediately to the East is Totem Park, to the West is Memorial Park, and South of the tracks is the Promenade. Most residents likely consider the vegetated area along the Hump to also be under the City’s care and maintenance similar to official city parks.

A basic issue is the degree to which the vegetation in this area should be left in its natural state or maintained by the City. If it is to be left to grow in its natural state, then no City action is required. But if the City were to manage any of this vegetation, then the following are some basic issues to be considered:

1. Should the decisions be for a one-time action, or for actions on an ongoing basis under an agreement with BNSF?
2. Should the City adopt a policy to manage this area (or part of it) under its parks management program?
3. Whether and how the City's Tree Policy should be applied to decisions on trees in this area.
4. There are costs and likely legal issues, e.g. liability, to the City if it does any activities in this area.
5. The possible objectives to be considered when making decisions for this area appear to be:
 - a. Improve the views for neighbours above the area
 - b. Improve the views for pedestrians and traffic along Marine Drive
 - c. Improve the views from the water side below
 - d. Provide habitat for desirable species
 - e. Ensure slope stability
 - f. Reduce climate change through increased vegetation and tree canopy.
 - g. Cost of City actions, both one-time and ongoing.
 - h. Legal liability to the City if any accidents.
6. There are separate, though somewhat interrelated, issues with the cutting of bushes and cutting of trees including:
 - a. The invasive bushes will continue to grow rapidly unless they are removed and replaced with appropriate plants.
 - b. There are numerous tree shoots coming out of single tree stumps and these will continue to grow forming what appear like large bushes. Perhaps these stumps can or should be managed to form one or a few shoots that would grow as trees that would protect the slopes and not require regular maintenance. Alternatively, the stumps could be removed in conjunction with a tree planting program.

SUGGESTED SPECIFIC ISSUES AND POSSIBLE RECOMMENDATIONS FOR EAC DISCUSSION

Based on staff reports, previous work of the EAC and the commentary above, below are suggested issues for the EAC to discuss if the City were to carry out work on the BNSF lands along the hump

1. Address city actions or requests by residents concerning trees on BNSF lands within the City boundaries under Policy 611 – would require amendment to the Policy. This would apply to trees with DBH greater than 6 cm.
2. Include BNSF lands in the City within the Operational Plan for Parks and for these areas to be left in a more natural state (Canadian Landscape Standard Level of Care Level 5).
3. As the vegetation on the BNSF lands are maintained, look for opportunities to make changes that implement sustainable design principles and guidelines and use vegetation that is resilient to climate change.
4. Adopt a Marine Drive “Hump” Vegetation Management Plan that:
 - a. Provides for separate attention to bushes and trees, with trees that have trunk DBH greater than 6 cm to be protected and managed as per Policy 611,

- b. Allows for the cutting of tree shoots less than 6 cm DBH to so as not to endanger the health of the root system and therefore the stability of the slope,
 - c. Allows for the removal of tree stumps only if other trees provide the needed slope stability,
 - d. Cuts vegetation to provide for views of the water and pier from the level of a pedestrian on the sidewalk along substantial areas of the Hump on Marine Drive,
 - e. Does not result in unsightly tree and vegetation as viewed from below along the promenade,
 - f. Considering vegetation growth, cuts vegetation to a height and at a frequency that will maintain a maximum height as per part d, and
 - g. Encourages native plants and removes or decreases invasive species. This site could be used as a demonstration project for removal of invasive species in other City parks.
- 5. Provide an ongoing (operating) budget for implementing the Marine Drive “Hump” Vegetation Management Plan as part of the Parks Management operating budget.
 - 6. Carry out public consultation to develop a long-term plan for managing vegetation on the hump area.

Addendum: Excerpts from Policy 611 on Tree Protection on City Lands

Policy (Sec 1): 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 procedures outlined in this Policy 611.

Relevant definitions (Sec 2):

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

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

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 mountain, or a group of objects, such as a downtown skyline. Panoramic views, such as areas of ocean, have wider corridors.

Management of City Trees (Sec 3):

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.
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.

e) 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 ambitious replacement requirements for trees that must be removed should be applied.

Refusal of Requests to Prune or Remove Trees on City Lands (Sec 5): The following types of requests to remove a tree on City land will not be considered:

- a) 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.

- f) A tree will not be pruned or removed from City lands to establish a new view.

Applications to Permit the Pruning or Removal of a Tree on City Lands (Sec 6):

- 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.
- b) 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.
- c) Applications to trim, 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 obscure an established view from their White Rock property.

Applicant Requirements (Sec 6.1):

- 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.

Application Submission Requirements (Sec 6.2):

- 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
- 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.
- f) Funds for geotechnical/hydrological assessments

Notification Prior to Decision (Sec 6.3): The City will provide notification as follows:

- a) and b) The City will mail letters, ... to all White Rock property owners within 100 metres of the tree under application, notifying the property owners of the application, the rationale provided for tree pruning or removal, ... andindicate either support or opposition to the application within 2 weeks of the letter delivery....

Criteria for Decision (Sec 6.4):

- a) The tree under application must be clearly demonstrated to have increased in size to 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....

Application Decision (Sec 6.6):

- 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.







