

Date: April 18, 2005
To: Parks, Recreation & Cultural Services Committee
From: Councillor Evelina Halsey-Brandt
Re: PROTECTION OF TREES ON PRIVATE PROPERTY

Last week a developer cut down a tree that was to be protected as a condition of re-zoning. Even though there was a signed agreement in place to protect that tree it did not save it from being destroyed.

This particular developer will have to pay for new landscaping and give a substantial contribution to the City's Tree Re-planting Program, but that compensation will not replace the butchered tree nor will it protect other trees from the same fate.

I believe that the time has come to stopping kidding ourselves that we can protect trees on private property without a bylaw in place.

Even when a developer signs an agreement to retain a tree during the rezoning process it does not ensure that the tree will not be cut down after the re-zoning. After the redeveloped properties are sold the new owners can cut down the "protected" tree or trees if they choose to do so.

The only way to ensure that significant trees and trees identified as "protected" are not cut down is to have a by-law that requires a permit to cut down significant trees in Richmond.

I have attached the minutes of the September 23, 2003 Committee Meeting and the Staff Report "OPTIONS TO PROTECT TREES ON PRIVATE PROPERTY" to refresh everyone's memory about the last time this issue was dealt with.

Recommendation:

**That Option 3B of the report dated September 18, 2003 from
Dave Semple, Director of Parks Operations and
Terry Crowe, Manager, Policy Planning
be endorsed and the appropriate bylaws be prepared.**

Councillor Evelina Halsey-Brandt

Parks, Recreation & Cultural Services CommitteeTuesday, September 23rd, 2003

PARKS, RECREATION AND CULTURAL SERVICES DIVISION**2. 'RAISE THE ROOF PROGRAM' PRESENTATION – MULTI-MEDIA FORMAT**

The Coordinator Youth Services, Wayne Yee, presented the 'Raise the Roof' program, a free drop-in program led by the City's outreach workers, that had been taken into seven assisted-rental housing complexes during the past summer.

In response to questions Mr. Yee provided the following information:

- the free loot bags that were distributed contained resource information provided by ICBC, The Boys and Girls Club, and the City in addition to an invitation to the event;
- the assisted-rental housing complexes, each of which contained a minimum of 40 units, were located throughout the City; and
- the success of the program had resulted in a possible implementation of free park summer programs utilizing a similar service delivery model.

It was moved and seconded

That the oral report and presentation be received for information.

CARRIED

3. OPTIONS TO PROTECT TREES ON PRIVATE PROPERTY

(Report: September 18/03, File No.: 6550-04) (REDMS No. 1065337)

The Director of Parks, Dave Semple, the Manager, Policy Planning, Terry Crowe, and Jenny Beran, Planner, were present.

In response to questions, information was provided that:

- approximately 600 trees are planted each year by the City in addition to the approximate 400 trees planted through development;
- the cost to the City of maintaining a tree was \$20. per year; the cost of a 7 – 8" calliper boulevard tree at planting was \$200. - \$300; the 4-year cost of a tree grown at the City nursery was \$75.;
- the Pacific Crabapple and Shorepine, two tree species indigenous to the City, continue to be planted in natural settings;
- the Development Permit process required by multi-family development (but not single-family development) included the provision of a tree survey and arborist report on existing trees in addition to the inclusion of new trees to be planted on the landscape plan;

Parks, Recreation & Cultural Services Committee

Tuesday, September 23rd, 2003

- a tree survey and arborist report would cost approximately \$1,000.;
- approximately 30% of existing trees are retained during development of multi-family sites, however, most single-family lots being developed are clear cut;
- a Bonded Tree Plan would be required should the City require that frontage trees be retained during development;
- it was suggested that hedges over 6 ft. in height be included on a landscape plan;
- a bylaw would not aid in the determination of ownership of trees located on a lot line;
- the City encouraged that live plant material cover a minimum 20% of a lot but that this did not prevent future paving;
- a change in grade and/or a change to the level of the water table during construction could be devastating to existing trees;

Ms. Erika Simm, 4991 Westminster Highway, who supported Option 3B of the report, read a written submission which is attached as Schedule 1 and forms a part of these minutes.

Ms. V. Gwillim, 5891 Easterbrook Road, read a written submission that is attached as Schedule 2 and forms a part of these minutes, and circulated a number of photographs of her property. In addition, Ms. Gwillim submitted a petition on behalf of residents in favour of a tree bylaw, a copy of which is attached as Schedule 3 and forms a part of these minutes.

Ms. E. Feller, a member of the Advisory Committee on the Environment but speaking as a private citizen, said that a look at Shady Island would provide an example of the evolution of process and the potential of this area to produce magnificent natural trees. Ms. Feller also spoke about the need to replace natural habitat where possible. Ms. Feller felt that the City should aim for a no net loss of tree policy that included bonding or fines if necessary.

Ms. B. Baanders, 7520 Bridge Street, cited her concerns relating to the possible development of a property adjacent to her property that could include the potential loss of several significant trees. Ms. Baanders was in favour of a Bonded Tree Plan that would provide incentive for the retention of trees.

Ms. M. Louth read a written submission provided by Mr. D. Louth, a copy of which is attached as Schedule 4 and forms a part of these minutes.

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Mr. G. Kibble, 11171 – 4th Avenue, a member of the Advisory Committee on the Environment (ACE), indicated that ACE had discussed the issue at a preliminary level but could do so in more extensive terms. In addition, speaking as a resident, Mr. Kibble said that a mechanism that would prevent removal of significant trees should be in place.

Ms. B. Philips, 7460 Moffatt Road, submitted a petition from residents in favour of the implementation of a bylaw to prevent the destruction of trees on private property, a copy of which is attached as Schedule 5 and forms a part of these minutes. In addition, Ms. Philips spoke about the recent clear cutting, with the exception of one tree, of the property adjacent to her complex.

It was moved and seconded

That Option 3B of the report dated September 18th, 2003 from the Director of Parks, be endorsed.

DEFEATED

Opposed: Mayor Brodie
Cllr. Barnes
Cllr. Dang
Cllr. McNulty

It was moved and seconded

That the report, dated September 18th, 2003 from the Director of Parks and the Manager, Policy Planning, be referred to:

- (a) the Advisory Committee on the Environment for:
 - i) a review of the options contained in the report with a view to a City-wide policy of 'no net loss of trees'; and*
 - ii) the suggestion of educational options.**
- (b) the Urban Development Institute, the Greater Vancouver Home Builders Association and City staff for their comment.*

Prior to the question being called Councillor Howard left the meeting – 6:15 p.m.

The question was then called and it was **CARRIED**.



City of Richmond

Report to Committee

To: Parks, Recreation & Cultural Services Committee

To Parks, Rec + Culture - Sept 23, 2003

Date: September 18, 2003

From: Dave Semple
Director of Parks Operations &
Terry Crowe
Manager, Policy Planning

File: 6550-04

Re: OPTIONS TO PROTECT TREES ON PRIVATE PROPERTY

Staff Recommendation

That the options outlined in the report from the Managers of Parks and Policy Planning regarding the protection of trees on private property be received for information.

Dave Semple
Director of Parks Operations

Terry Crowe
Manager, Policy Planning

Att. 5

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>Ullrich</i>
Development Applications	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

referred to staff

Staff Report

Origin

At the March 25th, 2003 meeting of the Parks, Recreation and Cultural Services Committee the following referral motion was adopted:

That staff prepare a report for the appropriate committee of Council outlining the scope of work that would be involved in identifying the various options available for protecting significant trees on private property.

The motion was a response to a number of recent situations where the public were concerned about the loss of trees with the redevelopment of single family properties. This report is a response to the motion.

Background

1. Legal Authority

Sections 708 to 715 of the Local Government Act outline the City's authority to manage trees on private property. There are very wide Council powers to manage all aspects of trees including:

- prohibiting or regulating the cutting and removal of trees;
- permitting the assessment and inspection of trees on private property;
- requiring replacement trees; and
- requiring permits for the cutting of trees.

2. 1996 Draft Tree Bylaw (not approved)

In 1996, Council considered the implementation of a Tree Bylaw; however, it decided against such a Bylaw because of the high cost and limited effectiveness.

3. Current Practice

(1) *Public Property*

Council has adopted an Urban Forest Management Strategy that promotes the conservation, enhancement and stewardship of trees within the City including on public property. Currently, the City's priorities are to preserve trees on City property (e.g., parks, boulevards, facilities).

(2) *Private Property - Voluntary*

The City does not regulate the removal of trees on private property. In certain redevelopment situations (e.g. multi-family), Tree Surveys and Plans, and Landscape Plans are required to identify trees that are able to be saved. (see **Attachment 1**). The City has a good success rate in saving substantial trees (6 inches diameter at 4.6 feet tall) on sites that are redeveloped for multi-family housing.

4. Complaints

Each year there are varying complaints from citizens regarding tree removal from private property. These complaints typically come before City Council as the public sees that local government should be protecting trees on public and private lands.

Analysis

1. Considerations In Establishing A Policy For Protecting Trees On Private Property

(1) General

The following factors would need to be considered in preparing a new tree protection system on private lands, including establishing criteria, researching best practises, drafting a policy or bylaws and procedures, testing the procedures, identifying the costs and new fees, drafting reports to Council and implementing Council's resolution.

(2) Trees In Environmentally Sensitive Areas (ESAs)

In this report, the discussion and options to protect trees on private property *do not apply* to the City's designated Environmentally Sensitive Areas (ESAs) because, for ESAs, there are separate policies to manage trees.

(3) Other Legislation

There is provincial legislation (The Provincial Wildlife Act) and federal legislation (Species at Risk Act) that may also be relevant in protecting certain trees.

(4) City's Corporate Vision

To be the most appealing, liveable and well managed City in Canada. Trees are a component of this vision.

(a) Sustainability Factors

The goal is to save as many trees as possible because they:

Socially:	- are aesthetically pleasing;
	- contribute to wellness;
	- contribute to healthy living environments;
Economically:	- are valuable;
	- in most cases add value to property;
Environmentally:	- contribute to healthy ecosystems; and
	- promote environmental conservation.

(b) Development Accommodation

As Richmond is a developing city, it is recognized that some trees need to be removed, particularly for the building footprint, roads, lanes, services and fill.

(c) Extra Costs

In costs of establishing a system to protect trees on private property, including:

- (i) the extra costs to developers (e.g., time, plans, etc.)
- (ii) the extra costs to the City including:
 - staff time
 - new costs
 - possible new City fees, to offset City costs (e.g., staff time).

(d) Current Administrative & Management Directives

The Urban Development Division is currently examining ways of improving efficiencies (e.g., improving processing times, removing unnecessary obstacles to development). The protection of trees could be perceived to be in conflict with these directives.

(e) No Guarantees

The fact that there are no guarantees with any approach because it is difficult to stop someone from cutting trees, proving who cut them down, successfully prosecuting, and achieving remedies.

Therefore, to a certain degree, the community has to rely on the voluntary approach to preserve trees.

(f) Type of Approach and Degree of Complexity

The acceptability of the type of approach (see below) and degree of complexity of any tree management system.

2. Policy Framework Approaches

(1) General

When protecting trees, there are two policy framework approaches, namely: a voluntary approach, and a regulatory approach.

(2) Voluntary Approach

A voluntary approach:

- emphasizes property owner co-operation and voluntary efforts to save trees;
- involves, in certain cases, requiring tree surveys, tree plans and landscape plans;
- involves City-property owner-developer negotiation;
- involves staff review;
- emphasizes property owner co-operation in implementing and adhering to tree and landscape plans; and
- minimizes legislation, City costs and City enforcement

(3) Regulatory Approach

A regulatory approach would involve some or all of the following:

- less volunteerism;
- establishing a tree bylaw which could include any of the following:
 - a tree removal application review, permit, appeal, enforcement, penalty and prosecution system;
 - site inspections;
 - tree surveys and tree protection plans; and
 - criteria for exempting, saving and cutting trees;
- possible bonding and guarantees;
- additional staff, budgets and time;
- additional City procedures; and
- the establishment of new City fees to partially offset new City costs.

3. Options

To address the referral of establishing options for protecting trees on private property, staff explored five options and estimated what needed to be studied, the establishment costs, the ongoing administrative costs and their general implications.

The options are outlined in Attachments 1-5 and are summarized below:

	Option	To Study	Set Up Costs (Est.) One Time Additional Level to Operating Budget	Ongoing Costs Additional Level to Operating Budget	Effectiveness
1	Status Quo - Development Permit	None	None	None	No change
	New Options				
2	Tree Preservation Education	Existing staff time	Education Program Development and printing of materials \$10,000	Staff time and resources \$10,000	- Modest - Up to citizens
3A	Tree Plan for: - Rezoning - Subdivisions, and - Development Permits (for all land uses or just residential uses)	- Existing staff time with an impact on existing workloads. - Increased processing times	- Existing staff time with an impact on existing workloads. - Increased processing times	- Existing staff time with an impact on existing workloads. - Increased processing times	- Some increase in protection - Would increase: - the review period - costs to city - costs to builder
3B	Tree Plan for: - Rezoning Subdivisions, Development Permits and <u>Building Permits, and</u> <u>Demolition Permits</u> (for all or some land uses)	Best practices study Bylaw and policy paper preparation \$10,000	Computer, desk & office space \$20,000	Staff time – part-time plan checker and expert field person \$60,000	- Increased protection - Would increase: - the review period - costs to city - costs to builder
4	Bonded Tree Plan with Option: - 3A, or - 3B	Best practices study Bylaw and policy paper preparation \$10,000	Computer, desk & office space \$25,000	Staff time – plan checker and expert field person \$100,000	- Increased protection, - Onerous - Would increase: - the review period - costs to city - costs to builder
5	Tree Cutting Permit	Consultant to work with staff to develop an inventory & comprehensive program \$130,000	Computers, desks & office space \$40,000	Expert plan checker, field staff and legal staff: \$250,000/year (offset by up to \$150,000 in permit fees & fines) = \$100,000 net	- Best results - Highest costs - Not cost effective

Financial Impact

City Costs

For each new option there are City research, set-up and ongoing administrative costs, for example, reviewing plans, issuing permits, conducting inspections, issuing fines for violations and incurring court costs.

City Cost Recovery

To offset these new costs, the City may establish additional fees for developers to either fully or partially recover the extra City costs

Cities that have established regulatory systems have never recovered all of their costs related to the program.

Developer Costs

There are also costs to the development community including the costs to obtain an analysis of trees on a site (e.g., an arborist, surveyor), altering development plans in some cases to accommodate trees, longer approval times.

Conclusion

Staff have presented Council with several options for the protection of trees on private property and the general costs and implications related to researching and implementing the options.

In general, as the options progress, more effort is needed and more staff time and money is required but the effectiveness in saving trees also increases.

Option 3A is estimated to be the most effective (a voluntary option) in relation to the amount of effort required. However, this option will increase the existing work load of staff and increase the processing time for subdivision application and some rezonings (contrary to the current administrative and management directives to examine ways of improving efficiencies.)

Also of note is the fact that Options 3 and 4 will require additional consideration as to adequate enforcement measures when contraventions are encountered.



Gordon Barstow
Manager, Parks Operations
(1210)



Jenny Beran
Planner
(4212)

ATTACHMENT 1

OPTION 1 - DEVELOPMENT PERMIT - CURRENT PRACTISE - VOLUNTARY APPROACH

The following chart outlines the cases where trees are lost, the permits that are required, which department issues them and if tree preservation is considered as part of the permit process.

Currently, through the Development Permit (DP) process, a Landscape Plan is required which identifies trees that are to be preserved as well as the replacement trees.

Staff review this plan in detail and a bond is taken to ensure that the landscaping is completed as shown on the drawings.

Existing City Requirements To Preserve Trees on Private Property			
Property owner / Developer Action	City permits that are currently required:	Department	Is Tree Preservation currently considered as part of the permit process?
To cut a tree down	None		No
Build a new building (e.g., house), under the existing zoning	(1) Building Permit	Building Approvals	No
	(2) Demolition Permit	Building Approvals	No
Subdivide one lot into two lots (e.g., to build two homes)	(1) Rezoning	Development Applications	No
	(2) Subdivision	Development Applications	No
	(3) Building Permit	Building Approvals	No
	(4) Demolition Permit	Building Approvals	No
Consolidate a lot with other lots for development (e.g., to build townhouses)	(1) Rezoning	Development Applications	No
	(2) Development Permit	Development Applications	Yes * - Existing
	(3) Building Permit	Building Approvals	No
	(4) Demolition Permit	Building Approvals	No

* - As per the Development Permit requirements in Schedule 1 of the OCP

Benefits

It is estimated that the current practice saves about 30% of substantial trees that are reasonably able to be preserved on private residential development sites in the City.

OPTION 2 - TREE PRESERVATION EDUCATION - NEW ACTION - A VOLUNTARY APPROACH

This option would be used with Option 1.

In order to maximize the voluntary efforts in preserving trees, in addition to the efforts outlined in Option 1, an on-going public education approach could be implemented.

The purpose would be to encourage the voluntary preservation of trees, as much as possible by increasing public, property owner and developer awareness, consensus, commitment and capability to preserve trees.

This would include:

- newspaper articles
- workshops with home builders, developers, property owners and the public
- brochures on:
 - tree planting and maintenance for homeowners;
 - tree planting and maintenance for developers and builders;
 - suggested species for tree planting; and
 - tree retention guidelines.

Benefits

Modest

Various education and awareness materials have been prepared in the past with limited results.

ATTACHMENT 3A

OPTION 3A - TREE PLAN - NEW ACTION – REZONING, SUBDIVISION AND DEVELOPMENT PERMIT

Option 3A would involve the requirement for a Tree Plan as part of a Rezoning, Subdivision or Development Permit (this requirement could be applied to just residential or all applications as Council directs).

The Tree Plan would differentiate between the trees that are to be:

- removed, and
- those that are able to be retained.

Option 3A: Tree Plan - New Action – Rezoning, Subdivision and Development Permit Only			
Property owner / Developer Action	City permits that are currently required:	Department	Is Tree Preservation currently considered as part of the permit process?
To cut a tree down	None	n/a	No
Build a new building (e.g., house), under the existing zoning	(1) Building Permit	Building Approvals	No
	(2) Demolition Permit	Building Approvals	No
Subdivide one lot into two lots (e.g., to build two homes)	(1) Rezoning	Development Applications	Yes - New
	(2) Subdivision	Development Applications	Yes - New
	(3) Building Permit	Building Approvals	No
	(4) Demolition Permit	Building Approvals	No
Consolidate a lot with other lots for development (e.g., to build townhouses)	(1) Rezoning	Development Applications	Yes - New
	(2) Development Permit	Development Applications	Yes * - Existing
	(3) Building Permit	Building Approvals	No
	(4) Demolition Permit	Building Approvals	No

* - As per the Development Permit requirements in Schedule 1 of the OCP

Benefits

It is estimated that this option could result in a 15% increase in the number of substantial trees on private residential development sites that are able to be retained for a total estimated retention rate of approximately 45%.

ATTACHMENT 3B

OPTION 3B - TREE PLAN - NEW ACTION – REZONING, SUBDIVISION AND DEVELOPMENT PERMITS, BUILDING PERMITS & DEMOLITION PERMITS

Option 3B would involve require a Tree Plan as part of all existing City approvals; specifically, Rezoning, Subdivisions & Development Permits, Building Permits and Demolition Permits (this requirement could be applied to just residential or all applications as Council directs).

The same requirements for the Tree Plan would apply as in Option 3A (or 3B), as well as the need for additional staff work to identify exceptions, justifications and processes.

Option 3B: Tree Plan - New Action			
Building Permits, Demolition Permits, Rezoning, Subdivision & Development Permits			
Property owner / Developer Action	City permits that are currently required:	Department	Is Tree Preservation currently considered as part of the permit process?
To cut a tree down	None	n/a	No
Build a new building (e.g., house), under the existing zoning	(1) Building Permit	Building Approvals	Yes - New
	(2) Demolition Permit	Building Approvals	Yes - New
Subdivide one lot into two lots (e.g., to build two homes)	(1) Rezoning	Development Applications	Yes - New
	(2) Subdivision	Development Applications	Yes - New
	(3) Building Permit	Building Approvals	Yes - New
	(4) Demolition Permit	Building Approvals	Yes - New
Consolidate a lot with other lots for development (e.g., to build townhouses)	(1) Rezoning	Development Applications	Yes - New
	(2) Development Permit	Development Applications	Yes * - Existing
	(3) Building Permit	Building Approvals	Yes - New
	(4) Demolition Permit	Building Approvals	Yes - New

* - As per the Development Permit requirements in Schedule 1 of the OCP

Benefits

It is estimated that this option could result in a 20% increase in the number of substantial trees on development sites that are able to be retained for a total estimated retention rate of approximately 50%.

ATTACHMENT 4

OPTION 4 - BONDED TREE PLAN (A VOLUNTARY APPROACH)

In this option, not only would a Tree Plan be provided as in Option 3A or B, a bond would be required, similar to the bond required in the Development Permit process, that would be refunded after it is confirmed that the trees were retained (e.g., after one year), after the building was completed, as per the agreement between the developer and the City.

Benefits

It is estimated that this option could result in a 25% increase in the number of substantial trees on development sites that are able to be retained for a total estimated retention rate of approximately 55%.

ATTACHMENT 5

OPTION 5 - TREE CUTTING PERMIT SYSTEM (A REGULATORY APPROACH)

This option is the most regulatory and comprehensive and would require a Tree Cutting Permit in every situation where a property owner wishes to remove a tree.

Thought would need to be given to how to integrate this option into the existing processes.

Option 4: Tree Cutting Permit			
Property owner / Developer Action	City permits that are currently required:	Department	Is Tree Preservation currently considered as part of the permit process?
To cut a tree down	None	to be determined	Yes - New
Build a new building (e.g., house), under the existing zoning	(1) Building Permit	Building Approvals	Yes - New
	(2) Demolition Permit	Building Approvals	Yes - New
Subdivide one lot into two lots (e.g., to build two homes)	(1) Rezoning	Development Applications	Yes - New
	(2) Subdivision	Development Applications	Yes - New
	(3) Building Permit	Building Approvals	Yes - New
	(4) Demolition Permit	Building Approvals	Yes - New
Consolidate a lot with other lots for development (e.g., to build townhouses)	(1) Rezoning	Development Applications	Yes - New
	(2) Development Permit	Development Applications	Yes * - Existing
	(3) Building Permit	Building Approvals	Yes - New
	(4) Demolition Permit	Building Approvals	Yes - New

* - As per the Development Permit requirements in Schedule 1 of the OCP

Benefits

It is estimated that this option could result in a 45% increase in the number of substantial trees on development sites that are able to be retained for a total estimated retention rate of approximately 75%.