



**City of Richmond**

**Report to Committee**

**To:** Parks, Recreation & Cultural Services  
Committee

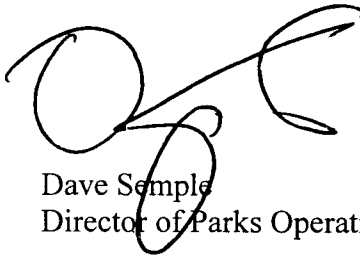
**Date:** September 18, 2003  
4040-05


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

**Re:** **OPTIONS TO PROTECT TREES ON PRIVATE PROPERTY**

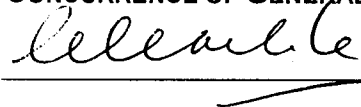
**Staff Recommendation**

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"/>	
Development Applications .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

## Staff Report

### Origin

At the March 25<sup>th</sup>, 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
	<b>New Options</b>				
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 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.

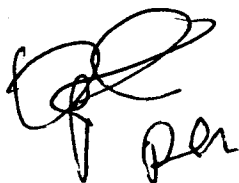
**Conclusion**

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)



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Planner  
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**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.

<b>Existing City Requirements To Preserve Trees on Private Property</b>			
<b>Property owner / Developer Action</b>	<b>City permits that are currently required:</b>	<b>Department</b>	<b>Is Tree Preservation currently considered as part of the permit process?</b>
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	<b>Yes * - Existing</b>
	(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.



**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.

<b>Option 3A: Tree Plan - New Action – Rezoning, Subdivision and Development Permit Only</b>			
<b>Property owner / Developer Action</b>	<b>City permits that are currently required:</b>	<b>Department</b>	<b>Is Tree Preservation currently considered as part of the permit process?</b>
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	<b>Yes * - Existing</b>
	(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.

<b>Option 3B: Tree Plan - New Action Building Permits, Demolition Permits, Rezoning, Subdivision &amp; Development Permits</b>			
<b>Property owner / Developer Action</b>	<b>City permits that are currently required:</b>	<b>Department</b>	<b>Is Tree Preservation currently considered as part of the permit process?</b>
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	<b>Yes * - Existing</b>
	(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%.

**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%.

**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.

<b>Option 4: Tree Cutting Permit</b>			
<b>Property owner / Developer Action</b>	<b>City permits that are currently required:</b>	<b>Department</b>	<b>Is Tree Preservation currently considered as part of the permit process?</b>
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	<b>Yes * - Existing</b>
	(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%.