



Corporate Report

NO: R039

COUNCIL DATE: March 30, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: March 30, 2009
FROM: General Manager, Planning and Development FILE: 3900-20-16100
SUBJECT: Amendment to Surrey Tree Protection Bylaw Related to Tree Retention Securities

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve an amendment to Part 8, Section 46(d) of the Surrey Tree Protection Bylaw, 2006, No. 16100, as amended (the "Tree Bylaw"), as described in this report and outlined in Appendix I; and
3. Authorize the City Clerk to bring forward an appropriate amending bylaw for the required readings by Council.

INTENT

The purpose of this report is to obtain Council approval of an amendment to the Tree Bylaw that will make more equitable the City's security requirements for trees to be retained through a single family subdivision, development permit, development variance permit, building permit or demolition permit process.

BACKGROUND

On September 25, 2006, the Council adopted the Tree Bylaw. This was the result of extensive consultation with various committees, interest groups and the public. The Tree Bylaw is intended to:

- encourage and provide incentives for tree retention and replacement;
- provide flexibility in tree retention and replacement;
- clarify the trees that are to be protected and replaced;
- improve administration and enforcement of the Bylaw; and
- prescribe practice standards.

DISCUSSION

Since the Tree Bylaw was adopted, it has become evident that by setting a security for retained trees without differentiating between large and small subdivisions, developers of small subdivisions are disadvantaged by having fewer lots against which to carry the security.

Currently, the amount of security that must be posted with the City for trees to be retained through a subdivision, development permit, development variance permit, building permit or demolition permit approval process is as follows:

- (a) \$10,000 per significant tree;
- (b) \$5,000 per specimen quality tree;
- (c) \$3,000 per protected tree, other than (a) and (b) above; and
- (d) the total amount of security deposited may not exceed \$100,000 for each tree cutting permit or for each subdivision application, development permit, development variance permit, building permit or demolition permit.

The security is held by the City of a period of two years after final building approval to ensure that the trees are properly protected and maintained.

When there are very few lots involved in a subdivision application, the amount of security that needs to be posted with the City for tree protection purposes can be difficult for the applicant to raise. To encourage the protection of suitable existing trees, while attempting to ensure that the security that is posted is not overwhelming to the developer, it is recommended that the Tree Bylaw be amended so that the total amount of security deposited under Section 46 does not exceed \$100,000 or, in the case of a single family subdivision, \$10,000 per lot created by the subdivision, whichever amount is lower. This amendment will allow developers of smaller subdivisions to maximize the number of existing trees that are retained through the development process without having to post securities for tree protection that are disproportionate, relative to the scale of the subdivision.

Legal Services has reviewed this report and the proposed by-law amendment and has no concerns.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve an amendment to Part 8, Section 46(d) of the Tree Bylaw, as described in this report and outlined in Appendix I; and
- Authorize the City Clerk to bring forward an appropriate amending bylaw for the required readings by Council.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

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Attachment:

Appendix I Proposed Amendment to Surrey Tree Protection Bylaw, 2006, No. 16100

Proposed Amendment to Surrey Tree Protection Bylaw, 2006, No. 16100

The following amendment is proposed to Surrey Tree Protection Bylaw, 2006, No. 16100, as amended:

1. In Part 8, Section 46(d), insert the words highlighted with underline, as follows:
 - d. The total amount of security deposited under Section 46 may not exceed ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS or, in the case of a single family subdivision, TEN THOUSAND (\$10,000.00) DOLLARS per lot created by the subdivision, whichever amount is lower, for each tree cutting permit or for each subdivision application, development permit, development variance permit, building permit or demolition permit, which is to be held by the City for a period of two (2) years after final building approval to ensure that the trees are properly protected and maintained in accordance with this Bylaw and the tree cutting permit.