

NO: R157

COUNCIL DATE: **June 27, 2016**

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 23, 2016**
FROM: **General Manager, Planning and Development** FILE: **3900-20-16100**
SUBJECT: **Proposed Amendments to Surrey Tree Protection Bylaw, 2006, No. 16100**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Tree Protection Bylaw, 2006, No. 16100 as documented in Appendix "I" of this report; and
3. Authorize the City Clerk to bring forward the related amendment bylaw for the required readings by Council.

INTENT

The purpose of this report is to obtain Council approval of amendments to Surrey Tree Protection Bylaw, 2006, No. 16100 (the "Bylaw") that will simplify the administration of the Bylaw and reduce red tape.

BACKGROUND

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

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

DISCUSSION

From time to time, staff forwards for Council consideration, proposed amendments to the Bylaw based on the experience gained through the administration of the Bylaw. The amendments generally eliminate or improve cumbersome aspects of the Bylaw that are viewed as creating

"red tape" (i.e., a process that provides little value) or act to improve aspects of the Bylaw that are viewed as deficient in the context of achieving the objectives of the Bylaw.

Proposed Amendments

The amendments, as recommended in this report, are intended to simplify and update portions of the Bylaw to eliminate loopholes and make administering the Bylaw more efficient for staff reviewing applications and permits.

Currently included as Schedules in the Bylaw are the "Application for Tree Cutting Permit" (Schedule "C") and the "Tree Cutting Permit" (Schedule "D"). It is proposed that these Schedules be removed from the Bylaw as their inclusion in the Bylaw makes it cumbersome since any minor amendments require Council approval, which takes time. Having them as standalone documents will allow staff to work directly with Legal Services to make necessary amendments and respond quickly to loopholes and situations as they arise.

The "Acceptable Tree Replacement" list (Schedule "E") also requires amendments from time to time, which should not require a bylaw amendment to be implemented. Removing the list from the Bylaw will enable Trees and Landscape Section staff to keep the list up-to-date for clients and citizens.

An important amendment to the Bylaw is a new definition of a protected tree to include stump remains. This will simplify the process of levying fines and prosecution against owners and contractors where tree have been removed without permits and only the stump remains.

The proposed amendments will assist in effectively administering the Bylaw, simplify the process of amending the lists and forms that require frequent updating, and allow for quick action on non-permitted tree removal.

Tree fines in the Bylaw should be amended as follows, as recommended in this report:

Part 8 Section 37

Current fees

Zone and Lot Size	First 5 Proposed Lots	Second 5 Proposed Lots	Next 10 Proposed Lots	Proposed Lots over first 20 Lots
RF-12, and RF-G, RF-9, RF-12C, RF-10, RF-10S and RF-9C Lots smaller than 340 m ²	\$97 per proposed Lot	\$81 per proposed Lot	\$41 per proposed Lot	\$34 per proposed Lot
RF, RF-G Lots greater than or equal to 340 m ² , RF-SS, R-F(R), R-F(F), R-F(C)	\$130 per proposed Lot	\$117 per proposed Lot	\$57 per proposed Lot	\$48 per proposed Lot
RH, RH-G, R-1, R-H(G)	\$154 per proposed Lot	\$148 per proposed Lot	\$66 per proposed Lot	\$57 per proposed Lot
RA, RA-G, RC, R-S, R-A(G)	\$489 per acre	\$455 per acre	\$408 per acre	\$163 per acre

All fees are subject to applicable taxes.

Proposed fees

Zone and Lot Size	Fees
RF-12, and RF-G, RF-9, RF-12C, RF-10, RF-10S and RF-9C Lots smaller than 340 m ²	\$100 per proposed Lot
RF, RF-G Lots greater than or equal to 340 m ² , RF-SS, R-F(R), R-F(F), R-F(C)	\$130 per proposed Lot
RH, RH-G, R-1, R-H(G)	\$154 per proposed Lot
RA, RA-G, RC, R-S, R-A(G)	\$490 per proposed Lot

All fees are subject to applicable taxes.

Part 8 Section 38

Current fees

Zone Designation	First 5 Acres	Second 5 Acres	<u>Over 10 Acres</u>
RM-D, RM-M, RM-10, RM-15 RM-30, RM-45 RM-70, RM-135 RMC-135, RMC-150, RMS-1, RMS-1A, RMS-2, R-F(D), R-F(M), R-T(1), RM-1, RM-2, RM-3, RM-4, P-P, C-4, C-5, C-8, C8A, C-8B, C-15, C-35, CHI, CG-1, CG-2, CTA, CCR, CPR, CPG, CPM, C-L, C-R(1), CR(2), C-R(3). C-S, C-C, C-H, I-S, C-G(1), C-G(2), C-T(1), C-T(2), P-P(1), P-R, P-D, IB, IL, IH, IS, IA, CD, I-1, I-P(2), I-G, I-T, I-W, I-H, I-W, I-L(S), I-A PC, PA-1, PA-2, PI	\$489 per acre	\$408 per acre	\$324 per acre

All fees are subject to applicable taxes.

Proposed fees

Zone Designation	Fees
RM-D, RM-M, RM-10, RM-15 RM-30, RM-45 RM-70, RM-135 RMC-135, RMC-150, RMS-1, RMS-1A, RMS-2, R-F(D), R-F(M), R-T(1), RM-1, RM-2, RM-3, RM-4, P-P, C-4, C-5, C-8, C8A, C-8B, C-15, C-35, CHI, CG-1, CG-2, CTA, CCR, CPR, CPG, CPM, C-L, C-R(1), CR(2), C-R(3). C-S, C-C, C-H, I-S, C-G(1), C-G(2), C-T(1), C-T(2), P-P(1), P-R, P-D, IB, IL, IH, IS, IA, CD, I-1, I-P(2), I-G, I-T, I-W, I-H, I-W, I-L(S), I-A PC, PA-1, PA-2, PI	\$490 per acre

All fees are subject to applicable taxes.

Part 8 Section 39

Current fees

Zone Designation	First 5 Acres	Second 5 Acres	<i>Over 10 Acres</i>
A-1, A-2, A-3	\$408 per acre	\$364 per acre	\$294 per acre
A-1, A-2, A-3 within the ALR	\$371 per acre	\$335 per acre	\$294 per acre

All fees are subject to applicable taxes.

Proposed fees

Zone Designation	Fees
A-1, A-2, A-3	\$400 per acre
A-1, A-2, A-3 within the ALR	\$400 per acre

All fees are subject to applicable taxes.

Part 8 Section 45

Current security per replacement tree as described in Subsection (a) is THREE HUNDRED (\$300.00) DOLLARS.

Proposed security per replacement tree as described in Subsection (a) is FOUR HUNDRED (\$400.00) DOLLARS, plus applicable taxes.

Current security per replacement tree as described in Subsection (b) is SIX HUNDRED (\$600.00) DOLLARS.

Proposed security per replacement tree as described in Subsection (b) is EIGHT HUNDRED (\$800.00) DOLLARS, plus applicable taxes.

Part 9 Section 57

Current maximum cash-in-lieu per tree as described in Section 57 is THREE HUNDRED (\$300.00) DOLLARS, plus applicable taxes for each replacement tree that cannot be accommodated.

Proposed maximum cash-in-lieu per tree as described in Section 57 is FOUR HUNDRED (\$400.00) DOLLARS, plus applicable taxes for each replacement tree that cannot be accommodated.

Part 9 Section 58

Current security maximum per replacement tree to be set by the General Manager as described in Section 58 is SIX HUNDRED (\$600.00) DOLLARS, plus applicable taxes.

Proposed security maximum per replacement tree to be set by the General Manager as described in Section 58 is EIGHT HUNDRED (\$800.00) DOLLARS, plus applicable taxes.

Part 9 Section 59

Current cash-in-lieu per tree maximum as described in Section 57 shall not exceed FIFTEEN THOUSAND (\$15,000.00) DOLLARS, plus applicable taxes per acre of land from which trees are removed.

Proposed cash-in-lieu per tree maximum as described in Section 57 shall not exceed THIRTY THOUSAND (\$30,000.00) DOLLARS, plus applicable taxes per acre of land from which trees are removed.

Legal Services has reviewed the amendments recommended in this report and has no concerns.

SUSTAINABILITY CONSIDERATIONS

Trees represent a significant asset to all citizens: they beautify the City; provide habitat; mitigate storm water run-off; offset carbon emissions; and filter other pollutants. This report supports the following Desired Outcomes in the *Sustainability Charter 2.0*:

- **Built Environment and Neighbourhoods**
 - **DO 5:** Trees, green spaces and natural areas are integrated into all neighbourhoods.
 - **DO 6:** Land is used efficiently and sensitively, and development minimizes the impacts on the natural environment, viewscales, agricultural land and urban wildlife.
 - **DO 14:** Native vegetative cover and natural systems are an integral part of landscaping and the built environment, and provide environmental and health benefits.

- **Ecosystems**
 - **DO 3:** All development enhances, or minimizes the impacts on Surrey's lush tree canopy and natural environment, and avoids encroachment into natural areas, habitat features and parks.
 - **DO 12:** Surrey protects ecosystem services and manages natural assets in order to create resiliency to adapt and thrive in a changing climate.

CONCLUSION

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

- approve amendments to the Bylaw, as documented in Appendix "I" to this report; and
- authorize the City Clerk to bring forward the related amendment bylaw for the required readings by Council.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

SW:saw/ss

Appendix "I" – Proposed Bylaw Amendments to Surrey Tree Protection Bylaw, 2006, No. 16100

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CITY OF SURREY

BYLAW NO. 18710

A by-law to amend the provisions of "Surrey Tree Protection Bylaw, 2006,
No. 16100", as amended.

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The Council of the City of Surrey, ENACTS AS FOLLOWS:

1. "Surrey Tree Protection Bylaw, 2006, No. 16100", as amended, is hereby further amended as follows:

a. Part 1, Definitions is amended as follows:

i. Insert the definition of "caliper" immediately after the definition of "arborist report":

"caliper"

means the diameter of a tree at 15 centimetres [6 inches] above the natural grade of the ground, measured from the base of the tree.";

ii. Insert the definition of "conifer" immediately after the definition of "City Landscape Architect":

"conifer"

means a tree that has needle-shaped or scale-like leaves and is cone-bearing.";

iii. Amend the definition of "damage" as follows:

(a) Insert the word "likely" immediately after the phrase "means any action which will"; and

(b) Delete the phrase "'American National Standards Institute Publication A300-1995" and the companion publication "Best Management Practices – Tree Pruning, 2002"' and replace it with the phrase "'Best Management Practices, Tree Pruning (Revised 2008)'"

- iv. Insert the definition of "deciduous" immediately after the definition of "D.B.H.":

"deciduous"

means a tree that naturally loses most or all of its leaves seasonally, most often in or around autumn.";

- v. The definition of "protected tree" is amended as follows:
- (a) In subparagraph (a) append with the phrase "or, where measurement of the D.B.H. is impossible or impractical, any tree with a stump having a diameter of 45 centimetres [17.7 inches] or more, measured at the natural grade of the ground" after the word "more";
 - (b) In subparagraph (h) delete the phrase "of any size" immediately after the existing word "species" and replace it with the phrase "where the tree is 3 metres [118.1 inches] or taller, if coniferous, or a tree having a 5 centimetres [1.9 inches] or greater caliper, if deciduous";
 - (c) In subparagraph (h) delete the phrases "(iii) Pacific Dogwood (*Cornus nutalii*)", "(iv) Pacific Yew (*Taxus brevifolia*)" and "(ix) "Monkey Puzzle Tree (*Araucaria araucana*)"; and
 - (d) Renumber existing subparagraphs (v), (vi), (vii), and (viii) in subparagraph (h) to subparagraphs (iii), (iv), (v), and (vi), respectively;
- vi. The definition of "tree protection barrier" is amended by deleting the phrase "Schedule "F"" and replacing it with the phrase "Schedule "C""; and
- vii. The definition of "tree protection zone" is amended by appending with the following sentence immediately after word "barrier.":

"Where a tree protection barrier has not been erected as required by this Bylaw, the tree protection zone shall be the area within which a tree protection barrier should have been erected in accordance with this Bylaw."

b. Part 3, Prohibitions is amended as follows:

- i. Insert a new Section 8.1 immediately after the existing Section 8:

"8.1 No person shall provide information in support of a tree cutting permit application, which is false, inaccurate, incomplete or erroneous."

c. Part 7, Tree Cutting Permits is amended as follows:

- i. In Section 25, delete the phrase "substantially in the form of SCHEDULE "C"" wherever it appears and replace it with the phrase "in a form approved by the General Manager ";
- ii. In Section 25, delete the word "shall" immediately before the phrase "determine the number, size" and replace it with the word "may";
- iii. In Section 27, delete the phrase "Sound arboricultural practice shall not include the lift pruning of lower limbs to the extent that the branches on the bottom thirty percent (30%) of the total height of the protected trees are pruned or removed, and shall not include the topping of protected trees, except where the trees have previously been topped" and replace it with the following phrase:
- "Sound arboricultural practice shall not include the following:
- (a) the removal of branches or limbs on the upper sixty-seven percent (67%) of the total height of the protected tree;
- (b) the removal of more than twenty-five percent (25%) of the protected tree's total branches or limbs within one (1) twelve (12) month period"; and
- (c) the topping of a protected tree, except where the owner has shown, to the General Manager's satisfaction, that the tree has been previously topped in compliance with this Bylaw.";
- iv. In Section 29(d)(iii) insert the phrase "layout, location, or" immediately before the word "shape"; and
- v. In Section 32(a), delete the phrase "SCHEDULE "C"" and replace it with the phrase "the terms of the tree cutting permit application".

d. Part 8, Permit Fees and Securities is amended as follows:

- i. In Section 37, delete the "Zone and Lot Size" table in its entirety and insert a new "Zone and Lot Size" table as follows:

"

Zone and Lot Size	Fees
RF-12, and RF-G, RF-9, RF-12C, RF-10, RF-10S and RF-9C Lots smaller than 340 m ²	\$100 per proposed Lot
RF, RF-G Lots greater than or equal to 340 m ² , RF-SS, R-F(R), R-F(F), R-F(C)	\$130 per proposed Lot
RH, RH-G, R-1, R-H(G)	\$154 per proposed Lot
RA, RA-G, RC, R-S, R-A(G)	\$490 per proposed Lot

All fees are subject to applicable taxes.

"

- ii. In Section 38, delete the "Zone Designation" table in its entirety and insert a new "Zone Designation" table as follows:

"

Zone Designation	Fees
RM-D, RM-M, RM-10, RM-15, RM-30, RM-45, RM-70, RM-135, RMC-135, RMC-150, RMS-1, RMS-1A, RMS-2, R-F(D), R-F(M), R-T(1), RM-1, RM-2, RM-3, RM-4, P-P, C-4, C-5, C-8, C8A, C-8B, C-15, C-35, CHI, CG-1, CG-2, CTA, CCR, CPR, CPG, CPM, C-L, C-R(1), CR(2), C-R(3). C-S, C-C, C-H, I-S, C-G(1), C-G(2), C-T(1), C-T(2), P-P(1), P-R, P-D, IB, IL, IH, IS, IA, CD, I-1, I-P(2), I-G, I-T, I-W, I-H, I-W, I-L(S), I-A, PC, PA-1, PA-2, PI	\$490 per acre

All fees are subject to applicable taxes.

"

- iii. In Section 39, delete the "Zone Designation" table in its entirety and insert a new "Zone Designation" table as follows:

"

Zone Designation	Fees
A-1, A-2, A-3	\$400 per acre
A-1, A-2, A-3 within the ALR	\$400 per acre

"

All fees are subject to applicable taxes.

- iv. In Sub-section 45.(a), delete the phrase "THREE HUNDRED (\$300.00) DOLLARS" and replace it with the phrase "FOUR HUNDRED (\$400.00) DOLLARS, plus applicable taxes" before the words "per replacement tree";
- v. In Sub-section 45.(b), delete the phrase "SIX HUNDRED (\$600.00) DOLLARS" and replace it with the phrase "EIGHT HUNDRED (\$800.00) DOLLARS, plus applicable taxes" before the words "per replacement tree"; and
- vi. Section 46.1 is deleted in its entirety and replaced with the following new Section 46.1:

"The security provided to the City under Section 46 will be held by the City until two (2) years after building final approval has been issued. If an Environmental Technician determines that the retained trees have not been damaged during construction, then the General Manager may, at his or her sole discretion, release the security after building final approval has been issued."

e. Part 9, Replacement Trees is amended as follows:

- i. In Section 50, delete the phrase "listed in SCHEDULE "E" unless otherwise" and replace it with the phrase "determined by the General Manager or as";
- ii. In Section 57, delete the phrase "THREE HUNDRED (\$300.00) DOLLARS" and replace it with the phrase "FOUR HUNDRED (\$400.00) DOLLARS";
- iii. In Section 58, delete the phrase "SIX HUNDRED (\$600.00) DOLLARS" and replace it with the phrase "EIGHT HUNDRED (\$800.00) DOLLARS, plus applicable taxes";
- iv. In Section 59, delete the phrase "FIFTEEN THOUSAND (\$15,000.00) DOLLARS" and replace it with "THIRTY THOUSAND (\$30,000) DOLLARS";

- v. In Section 60, delete the number "2" in the right column under the header and replace it with the following phrase "o, unless otherwise determined by the General Manager";
- vi. In Section 62, delete the phrase ", but meets the latest edition of the BCSLA/BCLNA "B.C. Landscape Standard" for condition and structure"; and
- vii. In Section 62, insert the phrase ", provided that it is growing in a location that does not conflict with proposed buildings, driveways, services or the construction of those buildings, driveways or services" immediately after the phrase "required for that lot".

f. Part 10, Tree Protection is amended as follows:

- i. Section 63 is deleted in its entirety and replaced with the following new Section 63:

"Where the trunk of any protected tree is within ten (10) metres of any excavation, demolition, construction, or engineering works, or as otherwise required by the General Manager, a tree protection barrier must be installed around the protected tree in accordance with Schedule "C"."; and

- ii. In Section 65, delete the phrase "Schedule "F"" replace it with the phrase "Schedule "C"".

g. Schedule "B", Significant Trees is amended as follows:

- i. Delete the following row:

97.	Madrona	12101 Sullivan Street	Private	17
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- ii. Delete the following row:

153.	Western Red Cedar	NE corner of 184 Street and 16 Avenue	Private	13
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- iii. Delete the following row:

248.	Copperleaf European Beech	12973 - 56 Avenue	Private	33
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- iv. In row "381." delete the name "City of Surrey" and replace it with "Private"; and
- v. In row "382." delete the name "City of Surrey" and replace it with "Private".

h. Delete existing Schedules "C", "D", and "E" in their entirety.

i. Re-name existing Schedule "F" to Schedule "C".

2. This Bylaw shall be cited for all purposes as "Surrey Tree Protection Bylaw, 2006, No. 16100, Amendment Bylaw, 2016, No. 18710"

PASSED FIRST READING on the ____ day of _____, 2016.

PASSED SECOND READING on the ____ day of _____, 2016.

PASSED THIRD READING on the ____ day of _____, 2016.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2016.

_____MAYOR

_____CLERK