



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Caitlyn Wiltsie, Environmental
Planning Assistant

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: October 7, 2024
REPORT DATE: September 17, 2024
FILE: 5280-03 (Trees)

SUBJECT: TREE PROTECTION BYLAW UPDATE

PURPOSE:

To receive support for the proposed Tree Protection Bylaw created to align with sustainability objectives of the Official Community Plan, canopy cover priorities of the Climate Action Plan, and provincial FireSmart guidelines.

RECOMMENDATION:

THAT Council receive for information the report titled "Tree Protection Bylaw Update" dated September 17, 2024 and respectfully submitted by Environmental Planning Assistant;

AND FURTHER, that Council agree in principle to the draft Tree Protection Bylaw and associated changes to the Fees and Charges Bylaw, Bylaw Enforcement Bylaw, and Municipal Ticketing Bylaw including the introduction of a Civic Tree Reserves Fund as outlined in the report.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the repeal and replacement of the existing Tree Protection Bylaw with the proposed Tree Protection Bylaw and the associated establishment of a Civic Tree Reserve Fund and associated bylaw updates as outlined in the report titled "Tree Protection Bylaw Update" dated September 17, 2024 and respectfully submitted by the Environmental Planning Assistant.

Note: Should Council choose to pursue this option, the current Tree Protection Bylaw will remain in place. However, as the zone-based exemptions of the bylaw are not outdated following the adoption of Zoning Bylaw 6000, it is anticipated that bylaw implementation will be significantly more resource intensive.

ANALYSIS:

A. Committee Recommendations:

The Climate Action Advisory Committee recommended support of the following staff motions during their meeting on July 31, 2024:

THAT the Climate Action Advisory Committee (CAAC) recommends Council support the repeal and replacement of Tree Protection Bylaw #4152 (1995) with Tree Protection Bylaw #XXXX (2024), as presented in the memorandum titled "Tree Protection Bylaw Update," dated July 22, 2024, and respectfully submitted by the Environmental Planning Assistant;

AND FURTHER the CAAC recommends Council establish a Civic Tree Reserve Fund to allow for cash-in-lieu payment where replacement planting is not feasible;

AND FURTHER the CAAC recommends Council support amendments to the Fees & Charges Bylaw #3909 (1993), Bylaw Notice Enforcement Bylaw #5250 (2011), and Municipal Ticketing Bylaw #5300 (2011) to support the adoption of the Tree Protection Bylaw #XXXX (2024).

B. Rationale:

Municipal tree protection bylaws were adopted throughout the province in the 1990s in response to increasing community awareness of the benefit of trees to community health and economic viability. The current Tree Protection Bylaw #4152 was adopted on March 18, 1995 and last amended on May 27, 1996. Efforts to update the bylaw have been endorsed by Council and initiated by staff, however, no update has occurred to date.

An update to the bylaw will allow for alignment with sustainability objectives of the Official Community Plan, urban canopy protection priorities of the Climate Action Plan, housing objectives of the provincial Small Scale Multi Unit Housing legislation, and provincial FireSmart guidelines.

The updated bylaw will also streamline the tree cutting permit application process by outlining application requirements, clarifying exemptions, introducing replacement planting criteria in alignment with current best practices, allowing for cash-in-lieu where replacement planting is not feasible, and including penalties to support enforcement.

Staff intend to prepare amendments as necessary to align the proposed bylaw with the upcoming Official Community Plan update, ensuring consistency across municipal policies.

Proposed Bylaw

The proposed bylaw contains twelve sections, including a blanket prohibition statement restricting the damage or removal of trees without a permit unless an exemption applies. Exemptions include regular seasonal pruning that does not damage a tree, as well as, removal associated with an issued Development Permit that includes a landscape plan, compliance with FireSmart requirements where determined necessary by a City FireSmart representative, and the emergency removal of hazardous trees.

Tree replacement ratios are proposed to act as a bridge between the current bylaw and the most permissive category of the provincial tree replacement criteria, specifying a minimum of one replacement tree for each tree removed with a diameter less than 15 cm and two replacement trees for those with a diameter of 15 cm or greater. Replacement trees are required to comply with current FireSmart guidelines, including restricting planting within 1.5 meters of a structure, limiting trees within 10 meters of a structure to deciduous varieties, and allowing either deciduous or coniferous trees where located greater than 10 meters from a structure.

Security amounts have been clarified, allowing applicants to either use a base rate of \$500 per tree removed or to obtain an estimate from a qualified professional. Where replacement planting is not feasible due to insufficient space on the subject property, as determined by a qualified professional, cash-in-lieu is permitted in an amount equivalent to the security deposit that would have been provided towards the Civic Tree Reserve Fund. Resources allocated towards the reserve fund will go towards planting and maintaining trees on property within the City of Vernon, ensuring continual progress towards municipal canopy cover targets and greenhouse gas reduction priorities.

Tree protection criteria has been introduced in Schedule A of the proposed bylaw. These criteria include the provision of a physical barrier around the critical root zone of a tree when excavation, construction, or a similar activity is proposed that may damage a tree. This schedule, alongside the main body of the proposed bylaw, will promote the retention and longevity of trees in a manner accessible to the general public.

Additional Requirements

The following amendments will be required to support the proposed bylaw adoption:

Fees & Charges Bylaw #3909

The amendment proposes to add a new line item to the bylaw to establish the fees associated with the review of a tree cutting permit. The \$50 fee is not reflective of the full staff time required to process the permit, as time required varies based on the complexity of the application, but is in alignment with other municipalities including the City of Kelowna and District of Peachland.

Bylaw Notice Enforcement Bylaw #5250

This amendment proposes to add new line items to the bylaw to establish penalties for the damage or removal of trees without a permit, as well as, for contravening the Tree Protection Criteria described in Schedule A of the proposed bylaw. The penalty amount acts as a progressive enforcement measure, providing a clear foundation for enforcement while promoting conformance with the bylaw as a preferred avenue for property owners.

Municipal Ticketing Bylaw #5300

This amendment proposes to add new line items to the bylaw to establish penalties for the damage or removal of trees without a permit, as well as, for contravening the Tree Protection Criteria described in Schedule A of the proposed bylaw. As these penalties are more significant than those issued under the Bylaw Notice Enforcement Bylaw, they are intended for repeat offences or serious infractions.

C. Attachments:

- Attachment 1 – Draft Tree Protection Bylaw #XXXX
- Attachment 2 – Draft Fees & Charges Bylaw Amendment Bylaw #XXXX
- Attachment 3 – Draft Bylaw Notice Enforcement Bylaw #XXXX
- Attachment 4 – Draft Municipal Ticketing Bylaw Amendment Bylaw #XXXX

D. Council’s Strategic Plan Alignment:

- | | |
|---|---|
| <input type="checkbox"/> Governance & Organizational Excellence | <input type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas | <input type="checkbox"/> Vibrancy |
| <input checked="" type="checkbox"/> Environmental Leadership | <input type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. 2023 – 2026 Council Strategic Plan: Review Tree Protection Bylaw #4152 to better encourage FireSmart practices and shade.
2. Climate Action Plan Goal 2: The urban forest is prepared and protection from climate change impacts and the number of trees is increased.
3. Official Community Plan Section 13.13: Promote and protect resilience of ecosystems and ecosystem services throughout the city.

BUDGET/RESOURCE IMPLICATIONS:


There are no budget implications anticipated to be associated with the bylaw.

FINANCIAL IMPLICATIONS:

- None Budget Previously Approved New Budget Request
(Finance Review Required)

Prepared by:

Approved for submission to Council:

X 

Signer 1
Caitlyn Wiltsie
Environmental Planning Assistant



Patricia Bridal, CAO

Date: Oct 2/2024

for X



Signer 2
Terry Barton
Director of Planning and Community Services

REVIEWED WITH

- | | | |
|---|--|--|
| <input type="checkbox"/> Corporate Services | <input checked="" type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: CAAC (Jul.31/24) | | |
| <input type="checkbox"/> OTHER: | | |