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City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer
MEETING DATE: October 8, 2019
FILE NO:
MEETING: Workshop
SUBJECT: Update on Maple Ridge Tree Bylaw Survey and Process

EXECUTIVE SUMMARY:

At the April 2, 2019 Council Workshop, Council directed:

“That staff prepare a draft questionnaire for Council’s review, followed by an email and mail-out survey to permit applicants;

That survey responses be provided to Council to determine whether changes to the Tree Bylaw are warranted; and,

That staff keep the costs relative to this process as low as possible.”

This report provides Council with a draft survey on the Tree Protection and Management Bylaw. (Refer to Appendix A.) The Survey is intended to determine if there are potential concerns associated with the Tree Bylaw or permit process and whether further changes to the Tree Bylaw are warranted at this time.

RECOMMENDATION:

That the Tree Bylaw Survey and Process identified in the report titled “Update on Maple Ridge Tree Bylaw Survey and Process” dated October 8, 2019 be endorsed.

DISCUSSION:

1. BACKGROUND

a) Summary of previous consultation process

The Tree Protection and Management Bylaw was identified through the municipal Environmental Management Strategy Report as a high priority for the community back in 2014. This was identified as a high priority due to ongoing issues, costs, and risks to citizens and the City associated with irresponsible tree cutting practices, large scale clearing impacts, and cumulative losses of tree canopy cover over time from ongoing development impacts within the community.

The Tree Bylaw review process subsequently commenced in early 2015 using extensive consultation with both professional stakeholder groups, neighborhood associations, and with citizens. The Tree Bylaw was prepared with no less than six consultation events over a one and half year period. The revised Tree Protection and Management Bylaw (Tree Bylaw) was adopted on January 12, 2016.

The Tree Bylaw also included three more additional reviews and updates to Council after it was adopted in January 2016. This resulted in some additional amendments being made to the Tree Protection and Management Bylaw and adoption of these amendments by Council in November 2017.

On December 11, 2018 as a result of discussion regarding an appeal to Council to overturn a tree permit denial concerning a significant sized tree on an urban lot, Council *directed*:

“that staff report back to Council with further information, options, and costs of surveying past permit applicants”.

A follow up Tree Bylaw review and update report was provided by staff on April 2, 2019 to Council. Please refer to Appendix B. At the April 2, 2019 meeting Council directed that staff prepare a questionnaire. Council expressed some concerns about some of the retention or protection requirements for non- development related tree permit applicants especially in some urban areas where lot sizes were smaller than outlying urban areas. It was noted that there was some empathy from Council for land owners that were required to protect significant sized trees on site, particularly in areas zoned for higher densification with limited useable yard space.

Key Objectives of the Tree Protection and Management Bylaw

Based on feedback from the previous consultation processes, the current Tree Bylaw was intended to assist community stakeholders with the following issues, opportunities, and objectives:

- **Safe & standardized practices.** To reduce negative impacts both on site and off site from large scale clearing as well as irresponsible and unsupervised tree cutting practices;
- **Reduce risk, costs, and impacts associated with wide scale tree clearing.** Ensure appropriate tree management plans, supervision, and mitigation controls are in place for large scale development activity or large scale tree clearing to reduce negative impacts and costs that were being transferred to the City or neighboring property owners;
- **Form and function of significant sized or mature healthy trees.** Promote retention of a portion of the significant and permit size trees on sites where possible especially on new developments to retain form and character of neighborhoods; to decrease the risk of impacts such as drainage concerns, blowdown, and impacts to property values; and to continue to provide economic, social, and ecological benefits to the community.
- **Tree canopy retention balance.** retain a minimum tree canopy cover ratio through replanting requirements to help offset costs to the larger community and taxpayers;
- **Create a level playing field for tree experts** To help encourage responsible, consistent standard of care for tree management and cutting practices.
- **Flexible exemptions and appropriate options for tree permit applicants.** No two sites are the same and landowners struggle with different challenges. Develop and promote a cost effective, progressive, and fair or reasonable Bylaw for land owners.

With the assistance of the questionnaire, Council noted that they would like to hear back from the permit applicants to determine whether additional changes are warranted to the Tree Bylaw.

2. HISTORICAL TRENDS

Previous to the 2016 Tree Protection and Management Bylaw, there was no requirement for developers, builders, residents in rural areas, or homeowners in urban areas with smaller properties to go through any kind of tree permit process with the City. Less than a dozen tree permit applications were received over a five year period up to 2016.

This however resulted in numerous complaints to the City concerning poor tree cutting practices, impacts on public lands, civil law suits between neighbours, and requests for municipal interventions and enforcement activity. Based on Tree Bylaw stats gathered over the past several years, over 1500 applicants have applied for tree permits since 2016.

This has significantly reduced the ongoing impacts, complaints, and costs for the municipality associated with a lack of regulations and permit requirements. It has also helped the City to replant or replace approximately 35% of the trees that have been cut or removed on both private and public lands. There has been an average of 2.7% of tree permits that have been denied during the past three years and only two tree permit denial appeals have been brought forward before Council.

3. TREE SURVEY AND PROCESS

Pursuant to Council direction, staff were asked to prepare a survey for tree permit stakeholders to determine if there are any components to the Tree Bylaw or Tree Permit process that may require amendments.

The objective of the survey is to help determine whether or not any additional amendments may be required to the Tree Bylaw. If so, what types of updates or modifications are appropriate?

The attached survey includes consideration for possible distinctions between large scale clearing vs. smaller scale cutting requirements, large scale development applicants vs. single family tree permit applicants, urban vs. rural lots and size/density considerations, as well as appropriate protection and/or replacement options for larger development sites versus smaller size urban lots.

Tree permit applicants, tree experts directly involved with the tree permit applications or cutting of trees, and neighbors that were identified as complainants in the tree permit application process will be invited to participate in the survey. In total, the survey will be mailed out to approximately 1500 people.

Once the survey has been endorsed by Council, staff will mail and email out the survey. The results of the survey and comments would then be brought to Council for consideration. The survey feedback along with Council's direction would then determine whether additional Tree Bylaw amendments are required.

The survey is expected to go out in November with results to be provided to Council in the New Year.

4. IMPLICATIONS

This work is estimated to be approximately \$2000.00 and will be accommodated within the Planning Department's current budget.

Based on the results of the survey this will help determine whether or not additional amendments may be required to the Tree Bylaw.

5. CONCLUSIONS

Pursuant to Council direction, this report has been prepared to provide Council with a survey that can help determine whether any additional amendments may be required to the Tree Protection and Management Bylaw.

"Original signed by Rod Stott"

Prepared by: **Rodney Stott, B.A.(Hons.), M.Dipl.
Environmental Planner 2**

"Original signed by Chuck Goddard"

Reviewed by: **Chuck Goddard, BA, MA
Director of Planning**

"Original signed by Christine Carter"

Approved by: **Christine Carter, M.PL., MCIP, RPP
GM Planning & Development Services**

"Original signed by Kelly Swift"

Concurrence: **Kelly Swift, MBA
Acting Chief Administrative Officer**

The following appendices are attached hereto:

Appendix A – Community Questionnaire on Tree Bylaw

Appendix B – April 2, 2019 Report with Update on Tree Bylaw



City of Maple Ridge

TO: His Worship Mayor Mike Morden
and Members of Council

FROM: Chief Administrative Officer

MEETING DATE: April 2, 2019

FILE NO:

MEETING: Council Workshop

SUBJECT: Update on Maple Ridge Tree Protection and Management Bylaw

EXECUTIVE SUMMARY:

At the December 11, 2018 Council Workshop, Council *directed*:

“that staff report back to Council with further information, options, and costs of surveying past permit applicants”.

The current Tree Protection and Management Bylaw (Tree Bylaw) was adopted on January 12, 2016. The Tree Bylaw was prepared following a lengthy consultation process. Appended to this report are some of the background reports and feedback provided on the Tree Bylaw before and after its implementation:

This report also includes a breakdown of statistics over the past several years with respect to tree cutting permits, numbers of trees, permit denials, and potential cost estimates for surveying applicants.

RECOMMENDATION:

For Information.

DISCUSSION:

1. BACKGROUND

a) Summary of previous consultation process for the adoption and implementation of the Tree Protection & Management Bylaw 2016/2017

The Tree Bylaw review process commenced in early 2015 through ongoing consultation with both professional stakeholder groups and with citizens. The request for a Tree Bylaw review came from a two year municipal Environmental Management Strategy consultation process. It was identified through the independent consultant report and the community feedback that a review and update to the Tree Bylaw was a high priority for the community.

PREVIOUS CONSULTATION PROCESS

The following consultation process was endorsed by Council on February 2, 2015 as part of the previous Tree Management Bylaw review to encourage community input, transparency, and provide citizens with opportunities for feedback:

Table 1. Tree Management Bylaw Process & Timelines

Step I – Council Endorse Review Process & Amendments to current Bylaw No. 5896-2000 <ul style="list-style-type: none"> • Council to endorse the Tree Protection and Management Bylaw review/consultation process; 	Feb.2,2015 ✓
Step II – Focus Group Feedback – proposed “draft” Tree Management Bylaw to be circulated to local professional tree experts including arborists, foresters, woodlot managers, developers and development consultants, environmental professionals, and environmental stewardship groups.	Late Feb. March ✓
Step III –Open House – consultation with general public & neighbourhood groups On Line Questionnaire with almost 300 responses from community including written comments that were provided to Council with reports	April 2015 ✓
Step IV – Consultation Update to Council – provide Council with opportunity to hear about stakeholder feedback with reports and presentation including possible revisions to Tree Protection and Management Bylaw. <ul style="list-style-type: none"> ➤ Additional consultation step added Sept. 15- Oct 5, 2015. ➤ Final update to Council at Workshop Nov. 16, 2015 	June to Sept. 2015 ✓
Step V - Final Consideration of Tree Protection and Management Bylaw No. 7133-2015 for 1 st , 2 nd , and 3 rd Reading	Dec 8, 2015
Step VI - Final Adoption	Jan 2016

At least a full year of ongoing consultation was carried out as part of the previous Tree Bylaw review process prior to adoption with on line questionnaires, community workshops, open house events, and professional stakeholder workshops. Council were updated during each phase of the Tree Bylaw review. (Appendix B, C, and D)

An additional one year update follow up review of the Tree Bylaw and update report / presentation was also provided to Council in November 2017. (Appendix E)

b) Key Tree Permit stakeholders related to Tree Protection & Management Bylaw development

The Tree Bylaw was developed and amended with input from the following groups.

1. Development industry (UDI developers, local developers, professional development consultants/environmental consultants).
2. Tree experts including professional foresters, arborists, and tree fellers/contractors
3. Urban Forestry professionals (UBC Research Forest/BCIT Woodlot & Blue Mountain Woodlot)
4. Tree Permit applicants – small scale removal and large scale clearing applicants, ALR applicants, and hazard tree removal applicants
5. Tree permit and tree removal complainants
6. Municipal Advisory Committees – Env. EAC members, Agriculture AAC, Heritage HAC, Economic and Tourism Advisory Committee.
7. Tree Professionals from other local governments
8. Representatives from other municipal departments (Parks, Operations, Engineering, Building Dept., Economic Development, Emergency Services)

c) Overview of the Tree Bylaw

Appendix A provides an overview of the differences between the previous Tree Bylaw and the current Tree Bylaw. Essentially, the current Tree Bylaw was intended to assist community stakeholders with the following objectives based on feedback and concerns provided to the City through the previous consultation process:

- Ensure safe, responsible tree cutting regulations and practices for both urban and rural lands to protect citizens and public/private property both on site and off site from negative impacts and risks associated with large scale clearing as well as irresponsible and unsupervised tree cutting practices;
- Promote retention of a portion of the significant healthy size trees on site where possible on new developments to retain form and character of neighborhoods; to decrease the risk of impacts such as drainage concerns, blowdown, and impacts to property values; and to continue to provide economic, social, and ecological benefits to the community.
- Provide appropriate tree management mitigation measures on site and supervision during construction activity or clearing activity to avoid unnecessary damage to protected areas, features, and adjacent properties.
- Assist citizens, property owners, and tax payers by retaining a minimum tree canopy cover ratio on site where possible to help offset costs to the larger community and taxpayers or else provide replanting opportunities elsewhere in the community
- Create a level playing field for tree experts – foresters, arborists, and tree felling contractors to help encourage responsible tree management and cutting practices.
- Develop appropriate exemptions and options for tree permit applicants through the tree permit process to promote a cost effective, efficient, and reasonable Bylaw.

In the past, public feedback has stressed the importance of staff continuing to carry out site visits to assist with citizen concerns, risk management issues, timing, and to help deal with tree management technical questions that arise. This outreach initiative by the municipal arborist has also helped to decrease the number of complaints about irresponsible tree cutting practices on private lots from concerned neighbours and citizens. It has also cut down the amount of time and costs spent in the field by Staff with follow up compliance, restoration, and enforcement visits.

2. GENERAL TRENDS AND STATISTICS

The statistics provide an overall picture and summary of recent trends over the past three years.

Tree Permit Stats	2016	2017	2018
Total # of Permit Applications	485	385	320
Total # of Permit Trees Cut	1800	3051	2231
Total # of Permit Trees Replaced	978	1357 (44%)	694 (31%)
Total # Significant Trees Cut	157	442	337
Permit Trees Denied on Record	96	12 (3%)	8 (2.5%)
Total # of Appeals	1	0	1

Comparison of Tree Permit Fees

2015/2016	2016	2017	2018
\$26,512 Tree Permit fees	\$95,000 Tree Permit fees	\$108,000	\$70,625
\$0 – No tree replacement fund	\$65,000 City Green Fund	\$145,000	\$6,750

Previous to the 2016 Tree Protection and Management Bylaw, there was no requirement for developers, builders, residents in rural areas, or homeowners in urban areas with smaller properties to go through any kind of tree permit process with the City. Less than a dozen applications were received over a two year period. Based on Tree Bylaw stats gathered over the past several years, over 1000 applicants have applied for tree permits since 2016.

3. COSTS OF SURVEYING

Pursuant to Council direction, staff were asked to include information on the cost of surveying past permit applicants. Cost estimates are provided as follows:

Staff led survey: This would include staff preparing a draft questionnaire for Council's review, followed by a mail-out to permit applicants. The survey responses would be made available to Council, with the results being used to inform whether changes to the Tree Bylaw are warranted. The estimate for this approach is \$1500, excluding staff time.

Consultant Led Survey: This would include the preparation of a questionnaire and mail-out prepared by a third party professional, and a report to Council. The survey responses and consultant recommendation would be presented to Council, with the results being used to inform whether changes to the Tree Bylaw are warranted. It is estimated that the costs would range from approximately \$10,000 to \$15,000. Funding for this project is not available in the Planning Department budget.

4. RECOMMENDATIONS

Pursuant to Council direction, this report has been prepared to provide additional information of the Tree Protection and Management Bylaw, including an overview of the options and costs associated with survey of current and past tree permit applicants.

“Original signed by Rod Stott”

Prepared by: **Rodney Stott,
Environmental Planner**

“Original signed by Christine Carter”

Reviewed by: **Christine Carter, M.PL., MCIP, RPP
Director of Planning**

“Original signed by Frank Quinn”

Approved by: **Frank Quinn, MBA, P.Eng
GM: Public Works & Development Services**

“Original signed by Kelly Swift”

Concurrence: **Kelly Swift, MBA
Acting Chief Administrative Officer**

The following appendices are attached hereto:

- Appendix A – comparison table of previous and current Tree Protection & Mgmt. Bylaw
- Appendix B – June 1, 2015 Consultation Update Report - Community Questionnaire on Tree Bylaw
- Appendix C – Nov. 16 2015 Community Stakeholder Group and Public Consultation Feedback Report
- Appendix D – Dec. 7 2015 Overview of the Tree Bylaw Consultation Process and Draft Bylaw Framework
- Appendix E – Nov. 2017 Tree Bylaw One Year Update report with amendment recommendations

TABLE 2. Summary of Key Tree Protection and Management Bylaw Changes

Bylaw Section	Previous Bylaw Application	Tree Protection & Mgmt Bylaw
Application	Urban Area only on lots larger than > 1 acre in size; Watercourse areas up to 15m; Steep slopes over 30%.	Trees > 20 cm dbh; Both urban and rural lands; Both development and non-development lands except where exemptions apply
Exemptions	First 3 tree removals on urban lots require no tree permit; Exemptions urban lots < 1 acre; Exemptions for rural lots; Exemptions for development;	All tree removals require a permit except where exemptions apply: <ul style="list-style-type: none"> ➤ trees <20cm dbh width; ➤ hazard, dead or dying trees; ➤ trees within 2 m of structures; ➤ hedges, alders & cottonwoods with some parameters ➤ up to 10 permit trees/yr on rural lots if >0.5ha, trees < 70cm, and lot must meet 30% canopy cover.
Permit Requirements	No criteria to refuse permit; No qualifications required for safety and knowledge of work	Circumstances listed under which tree cutting permit will be issued or denied; Qualifications for work to be performed
Replacements	Only required if violation i.e. removals in a watercourse setback or on steep slopes or unpermitted removals	Replacements required on all sites, if less than 16 trees per acre (or equivalent) remain on parcel; Cash in lieu option if unable to accommodate replacements; Security Deposits for large scale cutting;
Tree Protection	No requirements to protect or retain trees on development sites or non- development sites; Heritage protection for trees on Shady Lane road ROW;	<ul style="list-style-type: none"> ➤ Protection criteria for Significant Trees > 70 cm DBH where possible; ➤ Heritage Trees on Shady Lane ROW; ➤ Retention Plans for trees along the perimeter of lots and low impact development requirements; ➤ Protection requirements to ensure temporary protection of trees from damage during construction period; ➤ Protection areas required for developers with re-planting zones.
Hazardous Trees	No requirements to manage for hazard trees on development sites or consider impacts to adjacent property.	<ul style="list-style-type: none"> ➤ Requirement for professional hazard tree assessments to be completed before and after development activity completed; ➤ Requirements to consider impacts including wind firm edges.
Tree Management Plan	No requirements	Requirement for developers, builders and large scale clearing applicants to consider how to mitigate the impacts of tree cutting both on site & off site; Tree retention plan and Tree Replacement plans are required; Requirements for site supervisor, coordination by Forester or Arborist.

City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council
FROM: Chief Administrative Officer
MEETING DATE: June 1, 2015
FILE NO:
MEETING: Workshop
SUBJECT: Maple Ridge Tree Management Bylaw Consultation Update Report

EXECUTIVE SUMMARY

At the February 2, 2015 Council Workshop, Council endorsed a consultation process for proposed Tree Management Bylaw (No. 7133-2015) to generate feedback from the community and ensure a transparent process for the proposed Tree Management Bylaw.

The consultation process included:

- A Public Open House held on April 22, 2015
- Written and verbal feedback from tree experts that work in the community, development consultants, and local environmental stewardship groups;
- Feedback from the public to staff through phone conversations, front counter inquiries, emails and from ongoing tree permit application site visits; and
- An on-line questionnaire about the proposed Tree Management Bylaw that was available to the public for six weeks on the City's website and at the front counter.

This report includes an update on the consultation process including a summary of feedback and comments received from the following:

1. The Tree Bylaw questionnaires (639 returned) to the City of Maple Ridge;
2. Tree experts and technical experts and various stakeholders, (27 written comments);
3. Public Open House for the proposed Tree Management Bylaw which had approximately 140 recorded attendees; and
4. Over 80 permit applications and site visits with interim tree bylaw permit applicants over past several months, in addition to emails, and phone calls from citizens.

The purpose of this report is to present the outcomes of the open house and feedback from the questionnaires, as well as provide information on the next steps in the process. Also included in the report is a summary of some of the recommended changes to the proposed Bylaw to address the feedback received.

RECOMMENDATION:

That the *Tree Management Bylaw Consultation Update Report* dated June 1, 2015 be received for information.

BACKGROUND:

Based on feedback from the general public and studies completed by consultants in the past, there have been concerns in Maple Ridge about tree clearing practices, impacts from clearcutting and large scale clearing on neighborhoods, and cumulative losses of tree canopy cover over time that is changing the character of Maple Ridge. Furthermore, some claim the impacts from tree removal are creating unnecessary risks, disturbances, and costs to adjacent land owners and to the City of Maple Ridge.

Through extensive consultation during the Environmental Management Strategy for Maple Ridge carried out in 2013/14, it was identified that tree protection and management was a high priority and short term action item in the community. In November 2014 Council directed staff to prepare a new Tree Management Bylaw and a consultation process with the community. An outline of the Tree Bylaw consultation process was presented and endorsed by Council on February 2, 2015.

The Resolution was that the Tree Management Bylaw Review process outlined in the staff report entitled “Maple Ridge Tree Management Bylaw Process Report” dated Feb. 2 2015 be endorsed.

The purpose of the consultation process was to provide both stakeholders and the public with an opportunity to review the proposed Tree Management Bylaw. There was one update to Council included in the process after the Public Open House, Focus Group feedback, and questionnaire had been completed. The first three steps have been completed. Step Four in process.

The following process was endorsed by Council:

Table 1. Tree Management Bylaw Process & Timelines

Step I – Council Endorse Review Process & Amendments to current Bylaw 5896-2000 <ul style="list-style-type: none">• Council to endorse the Tree Management Bylaw review/consultation process;• Consideration and granting of 1st, 2nd, 3rd reading of Tree Protection Amending Bylaw 7134-2015 at Workshop.	Feb.2,2015 complete
Step II – Focus Group Feedback – proposed “draft” Tree Management Bylaw to be circulated to local professional tree experts including arborists, foresters, woodlot managers, development consultants, environmental professionals, and environmental stewardship groups.	Late Feb. March complete
Step III – Open House – consultation with general public & neighbourhood groups	March / April 2015 complete
Step IV – Consultation Update to Council – provide feedback on what we heard to Council with presentation of Draft Tree Management Bylaw for consideration.	June 1, 2015
Step V - Council Consideration of Tree Management Bylaw No. 7133-2015 for 1 st , 2 nd , and 3 rd Reading and Final Adoption	Early Summer 2015

Public Notification for Open House Event

It was proposed that various notifications were going to be used to assist in the consultation awareness initiative including use of written invitations, email lists, social media, front counter handouts, and information posted on the municipal website to engage the community and facilitate ongoing dialogue throughout the planning process. The intent was to increase the effectiveness and

efficiency of public engagement that will help strengthen the relationship between the municipality and the community. All of these forms of notification were utilized during the consultation process. Notification for the public open house was distributed in the following ways:

- a) Municipal media, such as Maple Ridge website notice boards, Facebook, e-newsletter, and in “Maple Ridge This Month” in local newspaper;
- b) News bulletin distribution;
- c) Community Events;
- d) Newspaper advertisements; and
- e) Emails to residents.

In addition to the above, word-of-mouth was also used as a way to help make people aware of the event and distribution of emails to community stakeholder groups through the Social Planning Neighborhood Development Coordinator.

TREE BYLAW CONSULTATION PROCESS

The consultation process in this report focuses on feedback from the community on the proposed Tree Management Bylaw 7133-2015 through the various consultation mechanisms. A brief breakdown of the consultation mechanisms is provided with this report.

- 1. Background and supporting information.** A copy of the previous presentations provided to Council, staff reports on the Tree Bylaw public process, and a copy of the proposed Tree Management Bylaw No. 7133-2015 was available to the public for review both on line through the municipal website, through email distribution upon request, and/or a hard copy of these resources was available at the City hall front counter as well as at the Open House.

There are five key components to the proposed Tree Management Bylaw:

1. Application and scope of the Tree Management Bylaw
2. Tree Protection Measures
3. Tree Management requirements
4. Tree Replacement requirements
5. Exemptions and Fees

2. Tree Experts and Technical Stakeholders Findings

A copy of the proposed Tree Management Bylaw was forwarded to approximately 40 different professionals associated with tree management and/or development activity in the community for their feedback. This included tree experts such as foresters, arborists, and tree fellers as well as development consultants, and stewardship groups. Approximately 25 questionnaires were returned along with some emails providing feedback on the proposed bylaw. A summary of their comments and suggestions is provided in Appendix B.

In addition, City of Maple Ridge staff met with tree professionals from various municipal governments across the Lower Mainland on a number of occasions to discuss and review the proposed Maple Ridge Tree bylaw. A copy of the comparative review on tree bylaws within the Lower Mainland was provided to Council with the Maple Ridge Tree Management Bylaw Process Report dated February 2 2015 as part of the appendices.

Some of the more prevalent comments and recommendations by these tree experts include:

General Comments

- **Size:** 10 cm dbh is too small, too difficult to administer. 20 cm is more reasonable.
- **Significant trees:** “shocked that large significant trees carry no weight. Maple Ridge has lost many of its significant trees in recent years. City should be making an attempt to identify what is left and ensure the bylaw considers these trees. Developers should be given some kind of incentive to design around the high value trees and builder should be required to work around them as well”;
- **Protection measures:** “Important to have protection measures as part of a Tree Bylaw, to ensure retained trees on development sites are properly protected during construction.”

Development related permits

- **Tree Management Plans.** “more stringent measures are needed to force developers to give tree retention much consideration before leveling and clear cutting a site.” A pre-development process to protect and retain is crucial to smart development.
- **Permit Fees.** Fees for development tree applications are too low and these fees are used in other cities to employ qualified tree experts and staff persons needed to administer the bylaws.
- **Education and Enforcement.** Equal amounts of education and enforcement is necessary for the tree bylaw. “Contractors need to understand clearly the reasons for root protection, and the hazards to trees and people if they do not follow the setbacks.” Having an education brochure or program as part of this will reduce the amount of resistance, and also provide City staff with the answers when they are fielding questions and complaints.

3. Public Open House Feedback

On April 22, 2015 the City of Maple Ridge had a Public Open House for the proposed Tree Management Bylaw and nearly 140 persons signed in. The City raised awareness in the community about the event through multiple newspaper advertisements, through social media, advertisements on the municipal website, handouts, emails, and through word of mouth to all tree permit applicants and inquiries related to the tree bylaw.

Participants at the Public Open House were also provided with hard copies of the questionnaire which they could hand in and comments were also recorded by staff persons attending the event. The event was held at the City Hall and lasted from 4:30pm to 8:30pm. There were a number of stations with display boards and staff persons to assist with questions. A powerpoint presentation was also available for review. There were many residents in attendance that were concerned with the application of the Tree Bylaw to the rural areas in that it might limit their ability to continue with routine maintenance and firewood collection especially for larger wooded parcels.

Based on feedback from the hundreds of questionnaires, technical discussion groups, and feedback from the tree permit applicants, staff provided some preliminary recommendations for changes to the proposed tree management bylaw at the Open House for consideration. These proposed changes are also included in this report for Council’s consideration and a more detailed summary of recommended changes to the Tree Bylaw can be found under Appendix D of this report.

For the Public Open House, feedback and dialogue was encouraged in the following areas:

1. Scope of the proposed Tree Management Bylaw
2. Protection measures
3. Management or mitigation measures
4. Replacement requirements
5. Fee structure and exemptions

4. Feedback during Interim Tree Protection Bylaw

There was a total of 87 tree permit applications submitted and reviewed under the interim Tree Protection Amendment Bylaw from February 10 2015 until May 20, 2015. This interim bylaw was introduced as a temporary measure during the consultation process for the proposed bylaw to reduce large scale clearing on properties across the municipality and unsafe removal practices. The interim Tree Protection Bylaw removed exemptions and requires that a tree cutting permit be obtained for all tree removal in the City except for certified hazard trees.

Permit fees amounted to \$15,096 within three and a half months. There were 35 applications in rural areas and 52 applications in urban areas. Not including applications for clearing larger areas, 403 trees were cut during this period. This included 55 hazard trees and 21 Hazard Tree Permits that were issued with no permit fees. Municipal staff were able to assist the vast majority of residents by carrying out site visits, verifying hazard trees and issuing the hazard tree permit without a Certified Tree Risk Assessment being carried out by a qualified arborist for each tree. Two tree risk assessments were completed during this period at the City's request.

Staff estimate the number of trees cut down on private lands during this three month period was greater than what was officially recorded based on feedback from tree service companies and observations by staff, but there were only a few complaints or calls made from the public about unpermitted cutting. There are currently three tree enforcement related files in progress.

Each applicant was given the opportunity to provide input and send in a questionnaire on the proposed Tree Management Bylaw.

Each applicant was also advised they could wait for the upcoming bylaw whereby permit fees would likely be less than what is currently required. Each site was visited by municipal staff to determine how the proposed bylaw might work or where there might be concerns with respect to fair and effective application on the ground.

A summary of the statistics and staff observations made during recent Tree Permit applications and site visits under interim Tree Bylaw is found in Appendix C.

5. Questionnaire for the proposed Tree Management Bylaw

Time Lines. The Questionnaire began online April 1, 2015 and it closed two weeks after the public open house on May 8, 2015, lasting approximately six weeks in duration.

Focus. The Questionnaire focused on the following areas:

1. Scope of the proposed Tree Management Bylaw
2. Protection Measures
3. Management or mitigation measures
4. Replacement requirements
5. Fee structure and Exemptions

Results. The success of the public consultation process can be seen in the resulting input from residents. A total of 639 questionnaires were returned to the City which were all included in the final summary and assessment. Approximately 200 questionnaires were returned to the front counter in hard copy and the remaining 450 questionnaires were completed online. The hard copy questionnaires were all converted into a digital format so their responses were included in the final summary and analysis, which was completed through the survey program.

Note: This questionnaire is not a survey and it is not statistically valid. For example, there are no controls over the number of questionnaires that could have been submitted by one individual. The intent of the questionnaire is to get an idea of the interest from the community, the general support opinions, or concerns from the community about the proposed Tree Management Bylaw, and the nature of the comments and suggestions.

All of the responses and comments received by the City are attached in Appendix A along with a summary of comments and copy of the questionnaire template.

Access and Distribution of Questionnaire. The questionnaire was available on the City website in a digital format. It was also available in hard copy format for distribution over the Planning front counter and at the Public Open House. A copy of the questionnaire is attached with Appendix A.

The questionnaire was distributed to technical stakeholders in the community including foresters, arborists, tree fellers, woodlot managers, professional development consultants that work in the City of Maple Ridge, to the Metro Vancouver inter-municipal professionals dealing with tree bylaws, and to environmental stewardship groups representing different watersheds in the community such as Kanaka (KEEPS), Alouette River (ARMS) and Grant Hill Watershed (TAPS) which includes Whonnock Creek watershed area.

ANALYSIS AND SUMMARY OF RESULTS.

A total of 639 questionnaires were returned to the City which were all included in the final summary and assessment. Fluid Survey, a software program designed to deal with online surveys and questionnaires was used to collect, process, and analyze all of the information. It provides statistical analysis and generates reports including organization of comments. An abridged summary of the assessment for the 639 responses and comments is attached with this report.

On average, there were approximately over 150 comments for each of the questions within the five sections of the questionnaire. There were eleven questions in total which are included in the report in Appendix A. Responses include a wide range of supporting comments, concerns, and specific suggestions.

This report includes a brief quantitative and qualitative summary for the first question in each section of the questionnaire to provide a better sense of the feedback. The more detailed assessment report for the questionnaire in Appendix A provides a more comprehensive statistical and qualitative breakdown of the comments for each question within the five sections.

Section One. Scope of the Proposed Tree Management Bylaw.

Do you agree with the scope of the proposed Tree Bylaw?

Response	Chart	Percentage	Count
Strongly Agree		53.3%	309
Agree		17.8%	103
Neutral		3.1%	18
Disagree		6.2%	36
Strongly Disagree		19.7%	114
		Total Responses	580

Responses

The majority of respondents from both urban and rural areas (over 70%) agreed or strongly agreed with the scope of the proposed Tree Management Bylaw. However, there were significant concerns about specific elements of the tree bylaw scope that were reflected in the comments.

Key Themes

Likes

- Bylaw that is proposed considers the bigger picture including stronger tree management requirements for new developments and consideration of future tree canopy cover for City.
- Much needed bylaw. Learn from other cities that protect, manage and value the services and benefits trees provide.
- Trees need to be better protected/managed to retain the natural landscape. Everyone should be responsible and this bylaw is a good start for Maple Ridge.

Dislikes

- Concerns that urban and rural areas are being treated the same. For example, allow rural land owners to continue to provide modest alterations to their land such as regular firewood collection or routine yard maintenance, especially if they are already heavily treed.
- Concerns with the definition of a tree. For example, expand historical size 10cm dbh to something larger and exclude hedges from the bylaw.
- Concerns about excessive permit fees, costs associated with possible hazard tree assessments by qualified professionals, and cost of having to hire an arborist to supervise cutting trees for routine removal of dead, dying, nuisance, or hazard trees.

Section Two. Protection of Trees.

Question 2.1 Do you agree with the proposed protection measures for retention or replacement of trees within 5 metres of property lines, including protection of critical root zones?

Response	Chart	Percentage	Count
Strongly Agree		54.5%	296
Agree		25.4%	138
Neutral		4.2%	23
Disagree		6.6%	36
Strongly Disagree		9.2%	50
		Total Responses	543

Question 2.2 Do you agree with the proposed incentives for retention of significant trees above what is already regulated on development lands?

Response	Chart	Percentage	Count
Strongly Agree		55.6%	302
Agree		26.9%	146
Neutral		4.6%	25
Disagree		4.8%	26
Strongly Disagree		8.1%	44
		Total Responses	543

Question 2.3 Do you agree with the proposed requirements for tree protection measures for trees that are to be retained on site, including tree protection barriers?

Response	Chart	Percentage	Count
Strongly Agree		57.5%	313
Agree		25.0%	136
Neutral		5.5%	30
Disagree		4.8%	26
Strongly Disagree		7.2%	39
		Total Responses	544

Response Nearly 80% of respondents agreed or highly agreed with the proposed protection measures along property boundary edges in the Tree Management Bylaw. In addition, over 80% agreed with incentives for protection measures and stronger protection measures for trees to be retained on site.

Key Themes

Likes

- Provide greater space within and around development layouts and building lots where possible to promote retention or replacement of trees to encourage green neighborhoods;
- The trees in Maple Ridge were very important when considering living here so please develop new building lots, subdivisions and neighborhoods with this in mind. Ensure appropriate requirements to deal with tree preservation with proposed changes to development layouts, drainage, grading, and slope stability impacts; and
- More emphasis should be placed on retention requirements along property edges to create windfirm buffer for larger mature or old growth trees on adjacent properties.

Dislikes

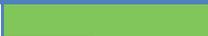
- Concern with lack of flexibility. Need to take into consideration the characteristics of a site and surrounding area when addressing the merits of retention vs. replacement along property boundaries (i.e. available space, condition of remaining trees & risks to nearby structures, right tree right place, are there trees at risk on the adjacent properties or not?);
- Concerns with lack of protection for well established, large, healthy groves of trees where possible especially for new development;
- Concerns about limited space. Five metre retention or replanting buffer along property edge may be too large (i.e. smaller urban lots, built out areas, or high density zoning). Consider suitable alternatives along property edge instead of trees (i.e. fencing, hedges, shrubs).

Section Three. Tree Management Requirements.

Question 3.1 Do you agree with the proposal to require Tree Management Plans for new developments and large scale building applications?

Response	Chart	Percentage	Count
Strongly Agree		59.7%	321
Agree		30.5%	164
Neutral		2.4%	13
Disagree		2.8%	15
Strongly Disagree		4.6%	25
Total Responses			538

Question 3.2 Do you agree with the proposal to require management of impacts associated with large scale clearing or tree removal on 'non-development' sites including fill applications or large scale clearing?

Response	Chart	Percentage	Count
Strongly Agree		60.8%	327
Agree		26.4%	142
Neutral		4.6%	25
Disagree		2.6%	14
Strongly Disagree		5.6%	30
Total Responses			538

Response. Over 90% agreed that tree management plans were a good idea for development applications and for large scale building applications. Over 80% agreed or strongly agreed that large scale clearing on private lands should require stronger tree management measures proposed in the Bylaw to ensure safe, responsible removal of trees including consideration of adjacent property owners, vulnerable areas, and character of neighborhoods.

Key Themes

Likes

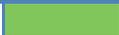
- Every land owner should be responsible for maintaining a minimum amount of their property with some tree coverage including non development related permits and agricultural lands
- The size, shape, and location of new developments and building structures, outbuildings, and impervious areas should accommodate retention & management of significant trees on their sites where possible
- What many people value most about living in Maple Ridge is the closeness to nature – this needs to be protected and preserved in both urban neighborhoods and rural areas. Everyone should be responsible.

Dislikes

- Don't want to see large trees replaced with smaller trees.
- Will City provide any additional staff to help reduce costs to landowners to assist with hazard tree assessments, appropriate replanting measures, or determine if exemptions apply?
- Developers, builders and homeowners will need additional education and outreach to ensure responsible cutting practices both on site as well as to protect adjacent landowners and sensitive protected areas.

Section Four. Replacement Tree Requirements.

Question 4.1 Do you agree that all tree permits should require replacements if a minimum number of trees (16 trees/acre) are not retained?

Response	Chart	Percentage	Count
Strongly Agree		33.7%	179
Agree		42.7%	227
Neutral		7.2%	38
Disagree		7.0%	37
Strongly Disagree		9.4%	50
Total Responses			531

Question 4.2 Do you agree with the proposed Tree Replacement requirements for development related applications?

Response	Chart	Percentage	Count
Strongly Agree		49.3%	262
Agree		33.9%	180
Neutral		4.7%	25
Disagree		5.8%	31
Strongly Disagree		6.2%	33
Total Responses			531

Question 4.3 Do you agree with the proposed Tree Replacement requirements for non-development activity on private property?

Response	Chart	Percentage	Count
Strongly Agree		48.8%	259
Agree		27.1%	144
Neutral		3.2%	17
Disagree		6.8%	36
Strongly Disagree		14.1%	75
Total Responses			531

Question 4.4 Do you agree with an exemption from Replacement Tree requirements on agricultural zoned lands that are actively being farmed?

Response	Chart	Percentage	Count
Strongly Agree		9.2%	49
Agree		12.2%	65
Neutral		7.0%	37
Disagree		21.1%	112
Strongly Disagree		50.5%	268
Total Responses			531

Response. For question 4.1 over 75% of residents agree or strongly agree that tree replacement should be required for all tree permits where minimum number of trees are not being retained on site. For question 4.2 there was over 80% agreement for minimum replacement requirements on both development lands. Results were similar for question 4.3 which applies to non-development lands. In question 4.4, over 70% disagreed that agricultural zoned lands should be exempt from proposed replacement tree requirements if they don't meet the minimum retention requirements.

Key Themes

Likes

- Need further clarity around acceptable size/species for replacement especially in urban areas or where parcels and building lots may already be restricted
- Consider size, health, and diversity of trees that are being replaced especially replacement values associated with larger healthy mature or old growth trees
- Retention of healthy mature or old growth trees should be a priority over replanting or cash in lieu options where possible.

Dislikes

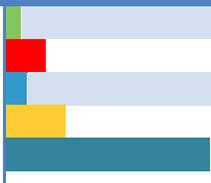
- Need to retain more trees than 16/acres, 40/hectare as this ratio is low compared to other cities. What is this ratio based on?
- The number of required replacement trees is excessive especially for smaller urban lots where a fully mature tree might create hardships for a property owner
- Please consider flexible replanting requirements, i.e. allow for right tree in right place in urban and rural areas and consider life cycle of trees, risk factors, and space requirements for homeowners in replacement plans.

Section Five. Tree Permit Fees and Exemptions.

Question 5.1 Do you agree with the proposed Tree Permit fee structure?

Response	Chart	Percentage	Count
Strongly Agree		4.3%	23
Agree		9.1%	48
Neutral		6.4%	34
Disagree		20.0%	106
Strongly Disagree		60.1%	318
Total Responses			529

Question 5.2 Do you agree with the proposed list of exemptions (no fee required)?

Response	Chart	Percentage	Count
Strongly Agree		4.9%	26
Agree		11.9%	63
Neutral		6.4%	34
Disagree		17.6%	93
Strongly Disagree		59.2%	313
		Total Responses	529

Response. The majority of the concerns with the proposed Tree Management Bylaw fell into section five, which focused on the permit fee structure and exemptions that were being proposed in the Bylaw. Between 80% to 90% of respondents noted they disagreed or strongly disagreed with the proposed fee structure and exemptions.

There was a significant split in the respondents that disagreed with respect to concerns about insufficient fees for protection of larger trees vs. high cost of fees for rural land owners. Rural land owners generally thought a more reasonable and flexible permit fee structure for non development related tree removal permits was needed. Additional exemptions should be provided for residents from rural areas to allow for routine tree cutting for firewood and maintenance on an annual basis.

Key Themes

Likes

- Developers should pay more for permit fees or for large scale clearing which can contribute towards staff positions to assist with enforcement, education, permit review, and assistance to private property owners with tree issues.

Dislikes

- Need greater flexibility with respect to exemptions and permit fees for cutting of firewood or routine maintenance especially in rural areas
- Fee structure is too permissive and doesn't provide a disincentive for tree removal
- Costs should be more reasonable so public will cooperate with the bylaw
- It's too easy to have an arborist state that a tree is a hazard tree without City review
- City staff person should be provided to assess hazard trees for single family homes
- Arborist report for tree risk assessment will cost a lot for homeowners
- There are too many exemptions
- Private properties should be exempt from permits
- Agricultural property should not be exempt from permits because they need to be responsible as well for managing impacts on adjacent properties.

A more detailed statistical breakdown of the questionnaire, including a breakdown of responses and comments can be found within the report and in the attachments under Appendix A. A copy of all the comments is also attached with this report in addition to comments and feedback from technical stakeholders, permit applicants, and from the Public Open House held on April 22, 2015.

SUMMARY OF TREE BYLAW CONSULTATION RESULTS

Overall, there was an exceptional response from the community with 639 questionnaires that were completed and returned to the City. The Public Open House on April 22, 2015 was very well attended with over 140 persons on record which is generally a very high participation rate. In addition there were 87 tree permit applications submitted during the interim tree bylaw period from February 10 up until May 20 2015. Comments from these permit applications were also generated. Staff received feedback from property owners, reviewed each property and application using site visits, and recorded observations about potential opportunities/ challenges for the proposed Tree Management Bylaw.

Based on written feedback from emails and the questionnaires that were received either on line, through hard copy over the counter, verbal feedback through the Public Open House and over the phone, there were significant differences with respect to feedback for the proposed Tree Management Bylaw from residents that reside in urban areas vs. those who reside in rural areas.

Common themes included the following:

Rural Feedback. The majority of the concerns or recommendations echoed by residents from the rural areas was about the need for more flexibility in the proposed Tree Management Bylaw for dealing with larger parcels that are treed. Rural residents need to cut down some trees every year for routine firewood collection or maintenance of forested lands. Such activity includes removal of hazard trees, dead or dying trees, and trees that create hardships for property owners. It was also noted that farms should be given special consideration with respect to costs and clearing restrictions.

Urban Feedback. For urban residents, the majority of their comments focused on the need for appropriate retention and replacement criteria on smaller urban lots to suit the limited space available, (i.e right tree right place). There were a lot of comments emphasizing the importance of identifying and retaining unique, mature or old growth trees where possible to protect the natural heritage of a neighborhood. Retention should be considered for large healthy trees before replacement. There should be more incentives for private property owners to retain or protect significant trees on their lots. Adequate resources for education, outreach, and enforcement is important for the success of the bylaw.

Common Ground. There was also a fair amount of common ground about the urban and rural landscape with respect to trees. Common themes and comments included:

- Support for the scope of the proposed Tree Management Bylaw, protection and management measures especially for development related activity because it considers both short and long term costs and benefits to the community in addition to liveability and natural beauty.
- Support for more responsible tree management practices especially for new development and avoidance of large scale clearing because it will help landowners and neighbors reduce potential costs, risks and issues related to inappropriate tree clearing.
- Suggestions from urban and rural residents about changing the definition of a 'tree' including increasing minimum tree size in the bylaw and exclusion of hedges.
- Need for stronger regulations around spacing of development layouts and building lots to accommodate significant tree stands and provide enough space along property boundaries to retain or replace trees where possible to protect adjacent sites from negative impacts.
- City of Maple Ridge needs to catch up with other municipalities in terms of how it regulates and manages the urban forest and trees. Tailor the bylaw to local context and unique qualities that residents came to the City for in the first place. Consider how the City can make this an effective bylaw without having to significantly increase costs to landowners.

RECOMMENDED CHANGES TO PROPOSED TREE BYLAW

Based on the feedback raised during the consultation process and further review of tree permit applications over the past several months, the following changes are recommended to the Tree Management Bylaw 7133-2015 which are included below.

A more detailed outline of the key changes recommended to the proposed Tree Management Bylaw are included with this report in Appendix D. Some of the key changes that are recommended for the proposed Tree Management Bylaw include:

1. Update the application of the bylaw. Expand the minimum size of a tree from 10cm to 20 cm dbh and exempt hedges in the proposed Tree Management Bylaw.
2. Provide permit exemptions for up to 5 trees per year in rural areas for parcels over 5 acres in size including parcels located within urban reserve areas as long as they retain a minimum number of trees (16 trees per acre over 20cm diameter dbh) and trees to be cut are not greater than 50 cm dbh in which case a permit will be required.
3. Expand permit fee exemptions in both urban and rural areas to include hazard trees, dead or dying trees, trees within 2 metres of a structure or infrastructure and tree removals for valid farming activity.

Although staff are recommending permit fee exemptions for non development applicants for certain situations, the requirement for a tree cutting permit will still provide City staff with an opportunity to verify the status of trees that are to be removed and that removal is not going to result in potential negative impacts to adjacent properties including City lands and protected areas.

If the City is provided with the opportunity to review a site and confirm the health status of the tree, then staff can waive the permit fee.

Staff will also attempt to assist private property owners where possible with tree risk assessments to reduce costs of having to hire a certified risk assessor. For municipal approved hazard trees and dead or dying trees no permit fees are required.

4. Provide a more flexible permit fee structure including:
 - Permit fee exemptions for dead, dying, hazard trees for all non development sites
 - \$50 permit fee up to 20 trees
 - 5 trees exempt per year in rural area if proposal meets minimum retention ratio of 16 trees per acre or 40 trees per hectare
 - \$50 permit fee for sixth tree in rural area up to 20 trees;
 - \$150 permit for greater than 20 trees with \$25 per tree above 20;
 - \$500 permit fee required for trees over 50cm unless approved as hazard tree or dead tree by the City of Maple Ridge;
 - \$500 permit for development and large scale removal or clearing of 1 acre or more with \$25 per tree above 20 trees up to maximum of \$17,000 per acre;
 - Agricultural properties with farm status are exempt from permit fees if tree removal is required for farming but evidence of intent to farm is required.
5. Minimum retention requirements of 16 trees per acre or 40 trees per hectare ratio will determine if replacements or cash in lieu is required for all development and non-development related properties where a tree permit is required.

A copy of the recommended changes to the proposed Tree Management Bylaw No. 7133-2015 is found in Appendix D where changes are highlighted in yellow.

INTER-DEPARTMENTAL IMPLICATIONS AND LEGAL REVIEW

Staff from Planning, Parks, Bylaws, Building, Engineering, Operations and Fire Department will continue to be included in the consultation process. The revised Bylaw has been and will continue to be reviewed by the City Solicitor prior to presentation of the Proposed Tree Management Bylaw to Council for 1st, 2nd, and 3rd Readings.

NEXT STEPS

Pursuant with the Council approved process, staff will prepare the proposed Tree Management Bylaw 7133-2015 with amended changes, and will bring the bylaw to Council Workshop for discussion. Council feedback on the recommended changes within this report needs to be considered for the final draft Tree Management Bylaw 7133-2015.

CONCLUSIONS

Steps One, Two and Three of the Tree Management Bylaw Consultation Process have been completed. This report provides a summary of outcomes from the open house, discussions with tree experts and related development consultants, and feedback from the questionnaires. This report also includes a summary of some of the recommended changes to the proposed Bylaw based on the feedback received to date.

“Original signed by Chuck Goddard” for

Prepared by: Rod Stott
Environmental Planner

“Original signed by Gail Szostek”

Co-Prepared by: Gail Szostek
Environmental Technician, Certified Arborist

“Original signed by Christine Carter”

Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning

“Original signed by Frank Quinn”

Approved by: Frank Quinn, MBA, P. Eng
GM: Public Works & Development Services

“Original signed by Jim Rule”

Approved by: J.L. (Jim) Rule
Chief Administrative Officer

The following appendices are attached hereto:

- Appendix A - Questionnaire Summary and Comments
- Appendix B - Summary of Feedback from Tree Experts & Consultants
- Appendix C - Summary of Tree Permit Applications and Observations
- Appendix D - Recommended Changes to Proposed Tree Mgmt Bylaw



City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council
DATE: November 16, 2015

FROM: Acting Chief Administrative Officer
FILE NO:
ATTN: Workshop

SUBJECT: Update on Proposed Tree Protection and Management Bylaw No. 7133-2015

EXECUTIVE SUMMARY:

The following report is a follow up to the previous report to Council on September 14, 2015. At that time, staff were directed to provide citizens with an opportunity to comment on the proposed *Tree Protection and Management Bylaw No. 7133-2015* (Tree Management Bylaw) with the passing of the following Resolution:

“That the previously endorsed Tree Management review consultation process be modified to make the draft bylaw available for public viewing and comment, and that a report be provided on public feedback prior to consideration of the readings to Maple Ridge Tree Protection and Management Bylaw No. 7133-2015”.

Pursuant with Council direction, the purpose of this report is to provide Council with an update on the recent Consultation. The report also includes an overview of the proposed Tree Management Bylaw; an overview of the key issues; and next steps. Following this report and update, the Tree Management Bylaw is scheduled to be on the December 7, 2015 Committee of the Whole agenda.

RECOMMENDATION(S):

That this report entitled “Update on Proposed Tree Protection and Management Bylaw No. 7133-2015”, dated November 16, 2015 is submitted for information.

DISCUSSION:

a) BACKGROUND CONTEXT

Historically, Maple Ridge citizens have noted through various surveys, consultation programs, and correspondence their key concerns, suggestions, and preferences for tree protection, management, and replacement. The majority of concerns were often associated with irresponsible tree cutting practices and large scale tree removal across the City that has negatively impacted adjacent properties, neighborhoods, municipal resources, and taxpayers.

Common issues generally include erosion and sediment control concerns, slope stability, drainage and flooding, visual aesthetics, risks associated with blowdown or windfall where new forest edges have been created, as well as long term impacts to the natural landscape that have been established in neighborhoods. Other key issues being raised within the community include concerns with cumulative tree loss and large scale tree removal over time.

A clear message coming out of the consultation programs over the past few years is the City has a unique opportunity to benefit from the important economic, social, and ecological services that trees provide. As Maple Ridge continues to grow, there is a need for municipal regulation to promote responsible tree removal practices. Citizens generally want effective tree cutting regulations in place to avoid costly, negative impacts associated with tree removal on adjacent properties. Maple Ridge currently is in a unique and favorable position to effectively plan for and manage its urban forest and trees so there are numerous benefits for both current and future generations to come from these natural assets. The proposed Tree Management Bylaw includes significant revisions that emphasize a more responsible, cost effective, and comprehensive regulatory framework that has been influenced by various factors including consultation feedback from community stakeholders including Mayor and Council members.

Over the past decade, the majority of municipalities in Metro Vancouver have updated their Tree Bylaws to deal with such issues and challenges. Tree Bylaws vary across municipalities depending on their unique challenges, histories, available resources, and geographic considerations. A comparison of municipal Tree Bylaws, including issues, regulatory options, fees, and implications was completed as part of the Maple Ridge Tree Management Bylaw review which is attached with Appendix A.

b) OVERVIEW OF THE PROPOSED TREE MANAGEMENT BYLAW

The following is a summary of key components being recommended under the proposed Tree Management Bylaw.

1. Scope and Application Areas.

Proposed Tree Management Bylaw No. 7133-2015

The objectives, scope, & regulations of the proposed Tree Management Bylaw are consistent with the OCP objectives and policies. The proposed Bylaw also considers the wide range of concerns and suggestions from the community. It includes the following:

- The Bylaw requires **all landowners with a tree permit application and tree experts** of record to be responsible for impacts associated with tree removal both on site and off site.
- It emphasizes a **pro-active management approach** to tree protection, management, and re-planting efforts for all new developments, clear cutting, or large scale clearing applications. Land owners and consultants are responsible for dealing with existing and potential issues before they become problems.
- It promotes a **balanced approach to tree canopy cover** either through tree retention and/or through tree replacement requirements. Each landowner or developer that applies for a tree cutting permit is responsible for ensuring minimum tree retention or possible tree replacement targets are being met to help balance out loss of services and benefits that urban forests provide to the community.
- To permit some flexibility for landowners across the municipality with routine yard maintenance, there are a **number of exemptions for property owners** to help reduce costs and minimize delays. Exemptions apply to sites that meet minimum tree canopy cover targets.

Proposed exemption measures include:

- Exemption for rural property owners up to 10 trees per year if they meet the minimum tree canopy cover ratio to accommodate a reasonable amount of tree maintenance or firewood collection on an annual basis for landowners with heavily treed sites;
- Agricultural lands have been given a number of permit fee exemptions to reduce costs and promote productive use of ALR and agricultural lands being farmed with active farm status or farm plans;

- Revised definition for permit trees increasing the size of trees requiring a permit from 10cm to 20cm dbh with exemptions for hedges, shrubs, and certain species of trees up to a certain amount per year;
 - For safety reasons, the proposed Tree Bylaw includes permit fee exemptions for hazard trees, dead or dying trees, or trees that are creating health issues;
 - There are also permit fee exemptions for trees creating economic hardship i.e. located within 2 metres of a structure or that are damaging infrastructure.
- There is a **cost recovery objective** to tree removal in the community. The more trees being removed, the higher the permit fee costs and the more likely additional studies and mitigation requirements will be required by applicants. Typically larger scale tree removal requires additional staff resources and there is a loss of economic benefits to the broader community from the removal of these trees. A revised permit fee structure and tree replacement fund are proposed to help offset costs to the City and taxpayers.

2. Tree Permit Review Process.

Proposed Tree Management Bylaw No. 7133-2015

There are different requirements for developers, clearcutting applications, and large scale tree removal applications than for non-development applications where only minor to moderate tree removal is being proposed.

For large scale tree removal including clearcutting applications or removal of more than 20 trees per site, the following steps would be required:

1. Tree permit inquiry and meeting with development applicant;
2. Tree survey and arborist report required early on in development process with bio-physical inventory of trees on site and recommendations for retention, replacement, and mitigation using pro-active site source controls;
3. City staff receive and review preliminary materials from Arborist or Forester of record and undertake initial visit to determine if application and supporting materials are complete;
4. Tree Permit application submitted to City with any additional required related studies, plans, recommendations and security deposit fees;
5. Permit reviewed and coordinated with relevant environmental DP requirements, grading plans, drainage plans, and erosion sediment control plans;
6. Initial inspection letter from Arborist of record received confirming site source controls are in place and operational, Environmental DP's approved, and Tree Permit issued;
7. Review of monitoring reports and final inspection letter to ensure work completed as per permit;
8. Security deposit for replacement trees returned.

For single family building or small scale development permit applications, the proposed Tree Management Bylaw includes the following review steps and requirements:

1. Contact City for tree removal application and to provide background information;
2. City staff make initial visit to determine permit requirements and verify information;
3. Application submitted to City with required studies, fees for review, and arborist report including consideration of retention potential, safety/hazard concerns, and replacement opportunities on site or off site through cash in lieu option;
4. Tree Permit issued upon approval;
5. Final inspection by tree monitor; and
6. City Arborist to ensure work completed as per permit.

For non-building permit small scale tree removal applications, the proposed Tree Management Bylaw includes the following steps and requirements:

1. Contact City for tree removal application;
2. City Arborist makes initial site visit to determine permit requirements including assessment of potential retention, hazard/safety concerns, replacement requirements;
3. Application submitted to City with required information and permit fees;
4. Tree Permit issued upon approval;
5. Final inspection by City Arborist.

3. Protection Measures

Proposed Tree Management Bylaw No. 7133-2015

Under the proposed Tree Management Bylaw, there are a number of new protection measures for tree permit applications including:

1. Tree retention plans and surveys are required for significant trees and tree stands on new developments, clearcutting applications, or where more than 20 trees being cut. Provincial *Community Charter* legal requirements for land owners, safety and health concerns, economic hardship, and unique characteristics of each site have to be taken into consideration. Significant retention within developable portions of sites that impacts density yield will likely require compensation or density bonus incentives;
2. Arborist reports must be provided for small scale development applications that require tree removal applications. This includes retention recommendations where possible for significant trees or larger trees, especially outside of the building envelope areas and along property boundaries. Consideration needs to be given to legal land use requirements, safety concerns, site characteristics, and other input from experts of record;
3. Temporary protection measures for trees that have been identified for protection or retention on site and off site in adjacent properties or municipal park lands to avoid damage to trees, root zones, or encroachment into conservation areas during construction activity including root zone protection measures;
4. Where retention or protection of trees is not possible, replacement trees are required and these replacement trees would be protected by being placed into a restrictive tree conservation covenant area.

4. Tree Management and Mitigation Measures

Proposed Tree Management Bylaw No. 7133-2015

For large scale tree removal including clearcutting, the proposed Tree Management Bylaw requires applicants to have a more pro-active tree management plan and tree survey to deal with potential issues up front including the following considerations:

1. Initial requirements for **adequate tree surveys, supporting studies and plans** depending on complexity of site, scale of tree removal, & timing of the activity. This information is required early in the development review process and includes consideration of tree protection opportunities, impact management, phased clearing and replacement efforts;
2. Default requirements for **on the ground site source controls** to be implemented, inspected, monitored, and maintained on all lots before, during, and after construction activity with emphasis on protection & mitigation measures for trees to be retained on site and off site;
3. Ongoing **coordination amongst consultants and developers** for appropriate re-grading, drainage, siting of building envelopes, and temporary tree protection control measures for protection of approved retained trees or tree stands on site and off site;

4. **Communications and signage** requirements that will help illustrate what is being proposed to the broader public, neighbours, and staff which will likely cut down on complaints;
5. **Replacement or replanting plans** including security deposit for protected trees and replacement trees along with maintenance requirements.

For single family building permits or or small scale development permit applications that do not involve clearcutting applications or large scale tree removal, the proposed Tree Management Bylaw includes a requirement for an arborist report that needs to consider the following:

1. Erosion and Sediment Control plan if clearing a larger area;
2. Tree protection fencing if trees within 5 meters of excavation and/or grading;
3. Tree risk/blowdown assessments if new forest edge will be created;
4. Retention measures for healthy suitable trees outside of building footprint or outside of building envelope along property boundaries;
5. Replacement requirements if retaining less than 16 trees per acre on site;
6. Security deposit if tree replacements or tree retention is required;
7. Signage for tree permit required within 24 hours of tree removal to take place.

For non-building permit small scale tree removal applications, the proposed Tree Management Bylaw will require the applicant to work with the City Arborist to ensure they have demonstrated a best level of effort to provide adequate protection, mitigation, and replacement trees on site. No arborist is required unless there is a difference of professional opinion that is required or requested. Depending on the characteristics, complexity, and size of the site and the number of trees being removed, additional studies or mitigation plans can be required in accordance with other municipal bylaws. Signage is also required.

5. Replacement Measures

Minimum retention ratios of 16 trees per acre (40 trees per hectare) are required for all sites or replacement. This is required in order to achieve a tree canopy cover balance across the City. Currently, Metro Vancouver has a regional target of 40% tree canopy cover target for the region as a whole, but Maple Ridge will likely exceed this tree canopy cover target given its tree protection and re-planting requirements under the proposed Tree Management Bylaw, Watercourse Protection Regulations, and Natural Features DP hillside management efforts.

Replacement requirements include consideration for a number of different stakeholders and factors that applies to new development sites or large scale clearing applications including:

- **Coordination by professional consultants** of record and consideration of potential safety concerns, impacts to neighboring properties, environmental sensitive areas.
- **Consideration for Provincial legislative requirements**, municipal bylaw regulations, and OCP environmental DP guideline objectives.
- **Right Tree Right Place** principle to allow landowners some choice in appropriate selection of tree species and sizes on their backyards or front yards.
- **Mandatory monitoring and maintenance** for re-planting on development sites including re-planting security deposits for development and clearcutting applications.
- **Cash in Lieu options** where on site replacement is not possible or desirable.
- **Minimum tree canopy cover target ratios** for all sites with target of 30% tree cover within developable portions of a site if a tree permit is required.

6. Enforcement and Compliance

There are various tools that can be used by the City to help with enforcement related matters and improve compliance with municipal objectives and requirements:

- **Proposed Stop Work Orders and tickets** can be issued immediately for Bylaw infractions rather than fines which can take time to implement or enforce in a Court of Law. There are new enforcement measures being proposed in the Tree Management Bylaw.
- **Staff can deny a tree cutting permit application** that doesn't meet or comply with Tree Management Bylaw regulations. An appeal can be made to Council.
- **Environmental performance securities** are also proposed for development sites or large scale clear cutting applications where there are significant tree stands that are supposed to be protected or where replacement trees are required. Securities can be used to offset impacts from disturbance from heavy machinery, grading activity, or construction infill activity.

7. Permit Fee Structure

Flexible Fee Structure that will provide sufficient staff resources.

- Self sufficient fiscal mechanism to support staff resources for Bylaw implementation including provision of technical assistance to landowners, permit review, enforcement and outreach.
- Reasonable costs for small scale tree removal or small scale development with minimum tree removal to encourage citizens to work with Tree Permit process.
- Higher permit fee costs for larger scale clearing vs. cost based on size of properties to help offset costs of staff resources and costs to community from tree removal.

c) CONSULTATION SUMMARY

Recent Tree Bylaw Consultation Process:

On September 14, 2015, Council directed staff to provide citizens with an opportunity to comment on the most recent revisions to proposed *Tree Protection and Management Bylaw No. 7133-2015*. A three week consultation period was approved that ended October 5, 2015. It is important to remember that this fifth and final consultation step was only one component of the broader consultation review program.

The following measures were taken between September 14, 2015 and October 5, 2015:

- A copy of the materials that were presented to Council Workshop on September 14, 2015 were made available on-line on the municipal website on September 15, 2015. This included a copy of the presentation, report, and draft Tree Management Bylaw with revisions that were highlighted.
- A newspaper advertisement was posted in the local newspapers on three separate occasions during this period to raise awareness in the community.
- A hard copy of the material was made available at the front counter in case citizens wanted to take a look at the Bylaw without a computer.
- Emails that were forwarded onto staff from Mayor and Council were forwarded onto the Planning Inquiries during the consultation period.
- Ongoing consultation with permit applicants, citizens, and City solicitors during the time frame.

Consultation Outcome: Key Themes

There was considerable and diverse feedback from the public and other community stakeholders over the past eight months through a variety of consultation mechanisms. There were equal amounts of feedback from both urban and rural residents.

In the last consultation period, the majority of the respondents were from the urban area with approximately a dozen responses from rural areas. There were a total of 64 responses in the last consultation period. All of these comments were forwarded onto the Planning Department Inquiries email directory. Staff continue to receive verbal input from tree permit applicants across the City, interested citizens, as well as from consultants of record working with development applications in our community.

A brief outline of the most recent consultation program, how many comments were received, and the nature of the comments is described in this section of the report. More detail on specific comments can be found in Appendices B of this report.

It is important to keep the recent consultation feedback in perspective. In the previous questionnaire and consultation program in the second phase of the consultation process, there were over 650 responses from the community. In addition, there have been over 200 tree permit applications in the past eight months with input from landowners. There were approximately 150 emails and phone calls to staff over the past eight months with questions and feedback. There has also been three Council Workshops with opportunities for Mayor and Council to provide feedback and suggestions on the proposed Tree Management Bylaw No. 7133-2015.

The bulk of the written and verbal comments received from citizens and residents since September 5, 2015 emphasized the following points:

1. Stronger protection measures are needed especially for 'significant trees', larger trees and older trees in urban, suburban and rural areas;
2. Continue to provide protection for heritage trees identified along Shady Lane and develop a heritage registry for other significant landmark or historical trees across the City;
3. Reduce the number of exemptions in the proposed Bylaw, increase enforcement penalties, and increase the tree permit fees for tree removal applications;
4. Ongoing feedback and concerns from rural area residents about the need for ongoing stewardship of their own lands including routine moderate maintenance of trees;
5. Need for clear information handouts and outreach program with the proposed Bylaw on what is required under the proposed Bylaw for landowners, developers, and citizens;
6. The City needs to provide adequate resources to increase education and awareness about the importance of trees in the community and monitor how we are doing over time;
7. Provide some clear parameters around how many cottonwoods and alders can be removed as many of these trees still serve an important function in the community;
8. Shorten duration of how long tree permits should be given for, tighten parameters on tree species exemptions, and ensure adequate and consistent enforcement measures;
9. Provide adequate protection and management requirements for trees in vulnerable aquifer areas especially around groundwater recharge areas because many landowners in the community are still dependent on groundwater resources that in turn rely on trees;
10. Differing comments stating there had been too much time being spent on the Tree Bylaw consultation process or too little consultation. Many citizens are waiting for new proposed bylaw to be approved because the tree permit fees are much less for small scale removal.

3. Solicitors Advice and Feedback

In addition to the consultation program with the general public, there was an opportunity for the City Solicitor to review the proposed Tree Management Bylaw No. 7133-2015 with emphasis on creating a legally sound regulatory framework that is enforceable in a Court of Law. Overall, the City Solicitor did not have any significant concerns about what has been proposed in the Tree Management Bylaw to date, but they did have some important suggestions with respect to format and language, and integration with other Provincial and municipal regulations.

Up until 1999, the *Municipal Act* limited a Council's powers to regulating tree removal to only those areas considered hazardous due to land slip or erosion. Amendments to the *Municipal Act*, *BC Community Charter*, and *BC Local Government Act* in the past decade now provide municipalities with the authority, to regulate or prohibit the cutting and removal of trees on any land within the municipality. Council may require the holding of a permit that establishes the conditions for the cutting or removal of trees and impose fees for such a permit.

The Solicitor cautions that Section 50(2) of the Community Charter provides that if a tree bylaw has the effect of preventing all uses permitted under the zoning bylaw or preventing the development to the density permitted under the zoning bylaw, the bylaw does not apply to the parcel to the extent necessary to allow the permitted use or density. The bylaw applies, however, if council commits the City to:

- 1) Pay compensation to the owner for any reduction in the market value caused by the prohibition; or
- 2) Provide by development permit or development variance permit alternative means for the parcel to be used for a permitted use or developed to the permitted density (s. 50(3)).

4. Issues\FAQ's\Findings:

- *Can the City provide additional protection measures for trees, especially significant trees in urban, suburban, and rural areas?*

Yes, while at the same time the proposed Tree Management Bylaw must take into consideration the following:

- Community Charter legislative requirements around zoning density lot yields and reasonable land use for private landowners;
- Safety considerations such as hazard trees, dead or dying trees, damaged trees, risks to adjacent properties and structures, health concerns, wildfire interface areas & windfall or blowdown concerns;
- 'Right tree right place' principle comes into consideration for landowners with respect to space around their building envelopes for building renovations, light and usable yard space, desire for food gardens and ornamental trees or landscape, viewscales, spacing of trees, economic hardship, etc;
- Other Provincial and municipal protection requirements on site including setbacks for watercourses, steep slopes, geotechnical areas, community trails, etc;
- Replacement trees or other types of re-planting is sometimes a more suitable option than retention requirements.

- *Should all properties in rural areas regardless of size be allowed to remove 10 trees per year without a permit?*

This regulation was in response to earlier feedback from rural property owners. The purpose of this exemption clause was to allow landowners in rural areas with heavily treed lots to continue to carry out a reasonable amount of routine maintenance, to collect firewood, and deal with dynamic life cycle of trees on an annual basis without having to go through a permit process every time they want to remove a tree over 20cm dbh.

- Based on findings from recent permit applications, the average landowner cuts between 5-10 trees per year (over 20cm dbh) in rural areas, usually in close range to existing structures.
- This number appears to be about the same whether properties are two acres or ten acres or more in size. Therefore an exemption of 10 trees per year in rural areas is recommended if the property has at least 30% tree canopy cover and trees are less than 75cm dbh.

- *Should there be an open ended blanket exemption for removal of certain species of trees like alders and cottonwoods?*

No, some parameters should be applied to these exemptions to maintain responsible clearing practices. This regulation was originally included at the request of Council and citizens because of the ongoing issues and concerns from some landowners about certain species of trees like cottonwoods and alders that tend to decay or die earlier than other species which require ongoing maintenance. These species also tend to dominate the initial stages of forest succession in our bio-geo/climate zones because they are pioneer species and they tend to populate landscapes in a dense manner. They are more prone to windfall risk after a certain period of time because of their natural life cycle.

These species can still provide an important function for healthy forest ecosystems, soils, slope stability, floodplain management, and for riparian habitat. Impacts from removal of these trees can vary depending on their location, age, size, and amount of trees being removed. Therefore it is recommended that some additional parameters or considerations are included in the proposed Bylaw around their removal. The exemption has been modified to the following:

Up to 20 alders or cottonwoods over 20cm dbh can be cut per year on a site without a permit if they meet the following conditions:

- They are located outside environmental protected areas, parks, and public lands;
- They are not located on slopes greater than 25% or within a geotechnical protection areas;
- They are considered a hazard or danger tree by the City Arborist or a certified Tree Risk Assessor; and
- There are less than 20 trees of these species over 20cm dbh to be cut per year.

- *Are there too many exemptions for landowners in the urban and rural areas?*

No. It is believed that the proposed Bylaw provides a practical approach to tree management that is right for our community at this time. Many landowners in the community have properties that remain heavily treed especially in rural areas. Over the past eight months there has been considerable and varied feedback from the community on this topic and the proposed Bylaw has taken this into consideration.

- Overall, the majority of the responses from the consultation feedback has been in favour of some reasonable level of flexibility for landowners, especially residents that live in rural areas that require routine maintenance for trees every year.
 - Based on tree cutting permit applications over the past eight months, staff found that the majority of rural property owners cut on average 5-10 trees per year for firewood collection, for removal of dead or dying trees near their structures, to create more space and light, etc. no matter what the size of their property.
 - Urban properties generally have far fewer trees and smaller tree canopy cover than properties in rural areas. Urban areas also tend to have higher risks or safety concerns associated with tree removal than rural areas given higher densities and proximity of structures to one another. Therefore urban properties have fewer exemptions than rural properties.
 - Over 25% of the permit applications for tree removal in both urban and rural areas over the past eight months was related to removal of hazard trees, dead or dying trees, trees creating economic hardship, or trees within close proximity of a building structure. Under the proposed Bylaw, all landowners across the municipality have the opportunity to utilize these tree permit fee exemptions but they have to provide sufficient proof to the City Arborist that they have a valid exemption.
- *How are the proposed tree permit fees justified?*

As noted in the report to Council of September 14, 2015 the proposed fee structure has been revised to promote and achieve the following objectives:

- The lower permit fees for small scale tree removal and stronger enforcement measures around non-compliance will likely encourage landowners to apply for a tree cutting permit. This will result in more responsible cutting.
 - Larger scale tree removal will require higher permit fees. Fees increase as the number of trees being removed increases. Additional fees are justified because of the additional staff time and resources required to oversee the tree management plans, review necessary supporting studies, coordinate professionals of record, and carry out enforcement and communications.
 - Higher permit fees for large scale tree removal can potentially be a deterrent to some landowners for clearcutting of sites.
 - Permit fees can help fund a full time dedicated City Arborist to properly implement and enforce the proposed Tree Bylaw. Furthermore, the City Arborist can assist citizens and landowners with hazard assessments, stewardship efforts, and general concerns. This is anticipated to help avoid or reduce ongoing impacts and costs being passed onto the municipality, taxpayers, and adjacent property owners.
- *Are there any timelines to how long a tree permit application can last or limits to the amount of permits that can be applied for on an annual basis?*

The proposed Tree Management Bylaw includes a four month time limit before a tree permit expires. Appropriate site source control requirements for tree removal is often dependent on timing and consideration for seasonal weather pattern changes and bird nesting activity. A four month period includes a reasonable time period for the City Arborist to carry out monitoring and provide technical assistance.

An applicant is permitted to apply for more than one tree cutting permit per year, however, there are additional protection, mitigation, and replacement measures that begin to apply once the tree canopy cover reaches a certain minimum percentage or a certain amount of trees are being cut per year.

- *Are proposed tree canopy cover standards adequate and what are they based upon?*

Yes, the proposed Maple Ridge tree canopy cover standards are based on research and best practices being carried out across the Province, the country and internationally.

Based on American Forest standards which are being used worldwide, the recommended minimum tree canopy cover target to maximize benefits that tree canopy cover provides (depending on climate, topography, and land use patterns) for many cities is as follows:

- 15-20% in central business district and industrial areas;
- 25-30% in urban residential and light commercial areas;
- 50% in suburban residential areas.

The new generic tree canopy cover standard being used for urban and suburban areas in North American cities including Toronto, Ottawa, and Metro Vancouver area is 40%. This was recently established based on studies and recommendations by a number of professional organizations including the International Professional Arborist Society and USDA Forest Service. Maple Ridge currently has an estimated 50-55% tree canopy cover across the entire municipality based on a recent forest inventory evaluation carried out by the City. The proposed strategy for tree canopy cover is also estimated to result in a 50-55% tree canopy cover for the City of Maple Ridge with the proposed measures.

In Maple Ridge existing tree canopy cover for different built out areas is as follows:

- Urban residential areas is approximately 30-35%;
- Suburban areas is 50-55%;
- Tree canopy cover in rural areas is currently around 65%.

It is estimated that the City will maintain a total tree canopy cover target of 55% by requiring a minimum 30% tree canopy cover target on 'developable' lands in the proposed Tree Bylaw. Additional tree canopy cover will be provided through protected conservation and natural hazard areas identified throughout the City. Approximately 20-25% of the current forest cover in Maple Ridge's 'planned' or buildable areas excluding Crown Lands are protected by other regulations and fall within these 'non-developable' areas.

- *What kind of protection measures are there for 'Heritage Trees' in the Bylaw?*

Heritage trees are outside the scope of this current Tree Management Bylaw review process as it is considered more of a policy item than a regulatory item. The proposed Tree Management Bylaw focuses on protection measures for 'significant trees' over 70cm dbh and healthy mature stands of trees where possible especially on larger greenfield development sites as well as heavily treed properties where clearcutting activity or large scale removal of trees is being proposed.

Tree retention efforts are also encouraged on smaller urban lots, but consideration needs to be given to local residents with respect to safety and liability concerns, right tree right place considerations, and other factors which were outlined in the report.

The proposed Tree Management Bylaw also emphasizes retention efforts for trees along the perimeters of properties as well as temporary protection measures that are required during and after construction activity to ensure protected trees remain undamaged.

The Community Heritage Committee are considering an update to the municipal Heritage Inventory which includes the identification of Heritage Trees throughout the community. Other options for protection of Heritage Trees may come through the future discussion and recommendations from the proposed Environmental Advisory Committee.

- *How do we monitor, measure, and evaluate how we are doing?*

Staff will monitor tree removal and permit activity and will report back to Council in the later part of 2016.

There are also opportunities through use of remote sensing and innovative mapping software programs to explore potential inventory, monitoring and evaluation techniques for tracking locations of trees, tree species variety and health condition, abundance or loss of trees, and services they provide to the community. This is another potential priority item that was identified in the Environmental Management Strategy which was endorsed by Council in 2015. It will likely be part of future discussion and recommendations with the potential soon to be formed Environmental Advisory Committee.

d) INTERDEPARTMENTAL IMPLICATIONS:

There have been various internal meetings and workshops held with staff from the Planning, Parks, Building, Engineering, Operations, Fire Department, and Building & Licencing Departments to discuss implications of the proposed Bylaw. Overall, it is believed that the proposed amendments are superior to the interim and previous Tree Protection Bylaw and provide a greater degree of protection, responsible management, flexibility with respect to permit fees, and certainty to the existing processes and practices.

e) BUSINESS PLAN/FINANCIAL IMPLICATIONS:

In assuming responsibility for the proposed Tree Management Bylaw, the City will likely be incurring some additional costs. Public feedback has stressed the importance of staff visiting the sites to determine permit requirements, verify information, and to assist with technical risk assessments. Also identified was the importance of carrying out enforcement and compliance duties. There will be impacts on staffing within the Planning Department. In the previous report, Staff estimate that based on current permit activity, approximately \$130,000 could be generated in fees in 2016. This would be sufficient to employ a full time permanent City Arborist to help implement and enforce the proposed Tree Bylaw. This will be addressed in the Planning Department Business Plan.

CONCLUSIONS:

Based on the City of Maple Ridge’s OCP objectives and policies in addition to feedback from Council and the broader community, there is a need for a more comprehensive, effective, and progressive Tree Management Bylaw. The proposed Tree Protection and Management Bylaw No. 7133-2015 will provide a more responsible, pro-active, and cost effective regulatory framework for tree protection, management, replacement, and removal in Maple Ridge.

Following this status update to Council, the Tree Protection and Management Bylaw No. 7133-2015 is scheduled for the December 7, 2015 Committee of the Whole agenda.

“original signed by Rod Stott”

Prepared by: **Rod Stott**
Environmental Planner

“original signed by Christine Carter”

Approved by: **Christine Carter**
Director of Planning

“original signed by Frank Quinn”

Approved by: **Frank Quinn**
General Manager, Public Works and Development Services

“original signed by Paul Gill”

Concurrence: **Paul Gill**
Acting Chief Administrative Officer

Attachments:

Appendix A. Comparison of Municipal Bylaws

Appendix B. Findings and Comments from Consultation Period September 15 – October 5, 2015

City of Maple Ridge

TO: Her Worship Mayor Nicole Reid
and Members of Council
DATE: December 7, 2015

FROM: Chief Administrative Officer
FILE NO:
ATTN: COW

SUBJECT: **First, Second and Third Readings**
Tree Protection and Management Bylaw No. 7133-2015
Ticket Information Utilization Amending Bylaw No. 7191-2015
Development Application Fee Amending Bylaw No. 7192-2015

EXECUTIVE SUMMARY:

The proposed Tree Protection and Management Bylaw No. 7133 - 2015 (Tree Bylaw) will provide a more responsible and pro-active approach to tree protection, management, and replacement in Maple Ridge.

The proposed Bylaw considers ongoing issues, challenges and opportunities that our community is facing based on feedback from Council and citizens. It reflects current social, economic, and ecological principles, objectives and policies reflected in the municipal Official Community Plan and Corporate Plans. It also considers the unique geography of Maple Ridge, along with other important factors such as weather patterns, land use history, socio-economic conditions, and new information about how tree management can assist local governments to grow in a smarter and more sustainable manner. Overall, it includes a comprehensive regulatory framework that emphasizes new requirements with respect to tree protection, management and replacement measures.

In Nov. 2014, Council directed that the Tree Bylaw be reviewed and the process was subsequently endorsed in February 2015. Since that time, there has been extensive feedback from residents, tree experts, and other community stakeholders stemming from on-line questionnaires, open houses, emails and meeting with Council.

The result of this consultation is a balanced bylaw that neither prohibits nor impedes development related activity or routine tree maintenance on private property. Rather, it is designed to improve tree protection, mitigation and replacement efforts especially where large scale clearing and cumulative tree removal is taking place over time. It is designed to promote responsible tree cutting practices across the City to help mitigate or reduce impacts on neighboring properties. It also includes re-planting or cost recovery requirements where tree clearing is taking place to help offset impacts to the broader community from cumulative tree losses and ensure a healthy tree canopy cover for future generations.

RECOMMENDATION:

1. That Maple Ridge Tree Protection and Management Bylaw No. 7133 – 2015 be given first, second and third reading.
2. That Maple Ridge Ticket Information Utilization Amending Bylaw No. 7191-2015 be given first, second and third reading.
3. That Maple Ridge Development Application Fee Amending Bylaw No. 7192-2015 be given first, second and third reading.

BACKGROUND

Historically, Maple Ridge citizens have noted through various consultation programs, surveys, correspondence, their key concerns and issues associated with irresponsible and large scale tree removal that has negatively impacted adjacent properties, citizens, municipal resources, and taxpayers.

Common issues generally include erosion and sediment control concerns, slope stability, drainage and flooding, risks associated with blowdown or windfall where new forest edges have been created, as well as long term impacts to the natural landscape that have been established in neighborhoods. Other key issues associated with cumulative tree loss and large scale tree removal includes loss of numerous economic, social, and ecological services and benefits that trees provide to the community.

The Tree Bylaw (No. 7133-2015) has been drafted taking into consideration lessons learned from other local governments from the Lower Mainland and other municipalities in B.C. Numerous discussions have taken place with other municipal tree bylaw officers and urban foresters to learn from their successes and mistakes. The City of Maple Ridge has also had an opportunity to work with the City Solicitor to review the proposed Tree Protection and Management Bylaw so it can be enforceable in a B.C. Court of Law. Furthermore, there has been over nine months of tree permit application review involving over 300+ properties within Maple Ridge that have helped as a testing ground for existing and proposed regulations, issues, and concerns on the ground.

Furthermore, the proposed Tree Protection and Management Bylaw No. 7133-2015 includes a regulatory framework that reflect current community values, principles, and objectives concerning protection and management of trees which are outlined in the Maple Ridge Official Community Plan.

Existing Maple Ridge OCP Policy Framework

The main components of the proposed Tree Protection and Management Bylaw No. 7133-2015 reflect current OCP principles, objectives, and policies as listed below:

Tree Protection

OCP Objectives: **Ensure mature trees are maintained and protected where possible and replant if necessary encouraging the use of native species.**

(OCP Policy 5-13) Maple Ridge will promote retention of urban and mature trees and woodland areas, and ensure additional trees are provided as part of all development proposals;

(OCP Policy 5-40) Maple Ridge will encourage tree retention and tree protection programs;

Tree Management

OCP Objectives: **Maple Ridge will pursue low impact development measures where possible and increase 'carbon sink' effects through tree planting and protection.**

(OCP Policy 5-22) Landscape disturbance should be minimized by retaining trees where possible and require replanting or enhanced planting as a condition of development;

(OCP Policy 5-43) Maple Ridge will maintain and enhance its forests and woodland areas; and

(OCP Policy 5-45) encourage low impact 'smart' development, and will promote initiatives that reduce community greenhouse emissions & help offset climate change impacts;

Tree Replacement

OCP Objectives **Identify, protect and enhance ecosystems, sensitive areas and features**

(OCP Policy 5-31) Require enhancement & rehabilitation of lands as part of development process;

(OCP Policy 5-40) Maintain and enhance forests and woodland areas; and

(OCP Policy 5-43) Include climate change considerations and initiatives

CONSULTATION PROCESS

The following consultation process was endorsed by Council on February 2, 2015 as part of the previous Tree Management Bylaw review to encourage community input, transparency, and provide citizens with opportunities for feedback:

Table 1. Tree Management Bylaw Process & Timelines

<p>Step I – Council Endorse Review Process & Amendments to current Bylaw No. 5896-2000</p> <ul style="list-style-type: none"> • Council to endorse the Tree Protection and Management Bylaw review/consultation process; • Consideration and granting of 1st, 2nd, 3rd reading of Tree Protection Amending Bylaw 7134-2015 at Workshop. 	<p>Feb.2,2015</p> <p style="text-align: center;">✓</p>
<p>Step II – Focus Group Feedback – proposed “draft” Tree Management Bylaw to be circulated to local professional tree experts including arborists, foresters, woodlot managers, development consultants, environmental professionals, and environmental stewardship groups.</p>	<p>Late Feb. March</p> <p style="text-align: center;">✓</p>
<p>Step III –Open House – consultation with general public & neighbourhood groups</p>	<p>April 2015</p> <p style="text-align: center;">✓</p>
<p>Step IV – Consultation Update to Council – provide feedback on what we heard to Council with reports and presentation on revisions to Tree Protection and Management Bylaw for review, questions, and consideration.</p> <ul style="list-style-type: none"> ➤ Additional consultation step added Sept. 15- Oct 5, 2015. ➤ Final update to Council at Workshop Nov. 16, 2015 	<p>June to Sept. 2015</p> <p style="text-align: center;">✓</p>
<p>Step V - Final Consideration of Tree Protection and Management Bylaw No. 7133-2015 for 1st, 2nd, and 3rd Reading</p>	<p>Dec 8, 2015</p>
<p>Step VI - Final Adoption</p>	<p>Jan 2016</p>

CONSULTATION RESULTS

An outline of the Tree Bylaw consultation process was presented and endorsed by Council on February 2, 2015. An update on the proposed Bylaw, the review process and consultation feedback was provided to Council on four separate occasions at Council Workshop; including February, June, September, and November of 2015. Over the past nine months, the overall consultation process included feedback and comments received from a wide variety of participants through various consultation mechanisms which are outlined below:

1. There were 639 Tree Bylaw questionnaires submitted to the City of Maple Ridge;
2. Over 30 tree experts and other local government Tree Bylaw officers that provided verbal and written comments;
3. Approximately 150 people attended the Public Open House attendees for the proposed Tree Protection and Management Bylaw;
4. Over 240 permit applications and site visits occurred under the interim tree bylaw;
5. Over 200 phone calls and emails from citizens;
6. There were four Council Workshop sessions;
7. City Solicitors review; and
8. There were 64 written responses during the final consultation period.

Overall, the extensive consultation review process provided by the City enables citizens, tree experts, Council, City Solicitors, and other stakeholders in the community to participate and provide feedback which helped to create an innovative, balanced, and responsible Tree Protection and Management Bylaw for the City of Maple Ridge.

Brief Outline of Tree Bylaw Consultation Process and Findings to Date:

- (1) November 2014 – Council directed staff to prepare a scoping report for a review of tree regulations based on feedback from community stakeholders over the past several years. The Maple Ridge Tree Protection Bylaw was identified as being outdated, ineffective, and inflexible.
- (2) February 2015 – Council directed a review of previous regulations and practices take place and that amendments occur to ensure more effective regulation for tree removal activity.
- (3) February to November 2015 – The Tree Bylaw review and consultation period included:
 - A regional wide comparative assessment of what other municipalities are doing with respect to tree bylaws including emphasis on protection and management regulations;
 - An analysis of local weaknesses, strengths, opportunities, and options in terms of tree regulations, standards or best practices, fiscal implications, and exemptions;
 - Meetings with tree experts, questionnaires and open houses with general public, and workshops with Mayor and Council on the proposed tree protection and management objectives, regulations, processes, and best practices;
 - A review of interim tree permit applications including consideration of implications for previous, current and proposed tree management requirements; and
 - Solicitor’s input with emphasis on creating a legally sound regulatory framework that is enforceable in a court of law.
- (4) Final consideration by Council of the proposed Tree Protection and Management Bylaw –

The proposed Tree Protection and Management Bylaw No. 7133-2015 and consultation process will result in the following improvements:

- Legislative clarity and consistency with requirements of senior environmental agencies as well as municipal OCP objectives, bylaws, and best practices;
- Improved framework that focuses on pro-active protection, responsible management, and replacement requirements for new developments and clearcutting applications;
- Comprehensive and flexible framework for dealing with potential tree protection, management, and replacement efforts for non development applications in urban, suburban, and rural areas;
- Greater consideration of services and benefits associated with tree canopy cover;
- Improved supervision, coordination, & monitoring by professional consultants;
- Greater flexibility and cost recovery opportunities for permit application fees; and
- Greater strength and clarity with respect to enforcement measures.

BYLAW OVERVIEW:

There are five key components to the proposed Tree Protection and Management Bylaw:

1. Application and scope of the Tree Management Bylaw
2. Tree Protection Measures
3. Tree Management requirements
4. Tree Replacement requirements
5. Exemptions and Fees

The following is a summary of key components under the proposed Tree Bylaw 7133-2015:

Permit Application and Exemption Measures:

- Applies to Permit Trees over 20cm dbh;
- Applies to tree cutting applicants in urban, suburban, and rural areas;
- Applies to development and non-development tree cutting activity;
- Exemptions for farming activity, hazard trees, dead or dying trees, trees within 2 metres of building structures, and minimum 10 trees can be removed per year in rural areas (lots over 0.5 ha) if they have met minimum tree canopy cover targets, and limited exemptions for alders/cottonwoods per year in urban/rural areas;
- Tree Management Plans required for new developments or larger scale clearing (more than 20 trees) and Arborist Report required for building permits, smaller scale cutting (more than 5 trees), or cutting of Significant Trees.

Proposed Protection Measures:

- Protection assessment is required for significant trees on every site with consideration for tree expert opinions, recommendations of consultants of record, along with City Arborist and other municipal decision makers;
- Retention plan, tree survey and arborist report is required for significant tree stands with new greenfield developments, and tree permit applications where clearcutting is taking place, or more than 20 trees are being removed;
- Requirements on all sites for retention measures for trees located along the perimeter of properties, retention consideration for blowdown concerns, drainage, and root protection zones;

- On site retention measures are required before, during, and after construction for development activity to ensure long term survival of trees that are supposed to be protected including park trees, protected areas, adjacent sites;

Consideration must be given to factors such as risk and safety, land use rights, site characteristics, developable areas, and compensation opportunities with each site.

Proposed Management and Mitigation Measures:

Tree mitigation requirements for new developments, or clearcutting applications, or large scale removal where more than 20 permit trees are being removed or cut:

- Tree Management Plans and tree survey including supporting studies, tree inventory, retention and replacement plans, mitigation recommendations;
- Supervision, coordination, inspection, and monitoring by tree expert of record;
- City Arborist – site visits, permit review, enforcement and compliance;
- Tree security deposits for significant tree replacements & maintenance.

Tree mitigation requirements for new building permits and other development related permits where less than 20 permit trees are being removed:

- Arborist report and tree survey including information on what is being removed, what is being retained, what is being replaced;
- Mitigation measures proposed during construction;
- Replacement plan and potential security deposits.

Replacement Measures:

A minimum retention ratio of 16 trees per acre (40 trees per hectare) is required for all sites with a Tree Permit application or appropriate tree replacement measures are required. Currently, Metro Vancouver has a regional target of 40% tree canopy cover target for the region as a whole, but the City of Maple Ridge will likely exceed this tree canopy cover target. Given existing and proposed tree protection and re-planting requirements under the Tree Protection and Management Bylaw, in addition to other municipal conservation requirements, the City of Maple Ridge should maintain an overall tree canopy cover of 50-55%.

If trees cannot be replaced on the same lot, the owner may plant on another parcel, private or public land, as approved by City; or may pay cash in lieu of \$425 per replacement tree (to a maximum of 40 trees per ha or \$17,000 and 16 trees per acre or \$6,800). The cash compensation would be placed in a Tree Fund that will be used only for planting of trees on public and private lands to replace tree canopy lost, for tree stewardship initiatives, or to purchase public land for re-planting purposes.

Enforcement and Compliance:

The administration and enforcement of the Tree Bylaw will be the responsibility of the Planning Department's Environmental staff. Implementation of this bylaw will involve a review and inspection mechanism similar to the one already used by the Planning Department for the current Tree Permit and Soil Deposit Permit Process. An Environmental Technician who is a certified Arborist and Tree Risk Assessor will review and evaluate permit applications, and conduct site visits to confirm bylaw compliance.

There are various tools that can be used by the City to help with enforcement related matters and improve compliance with municipal objectives and requirements:

- o Certified tree experts of record and landowners will be responsible for ensuring safe practices, and they will be responsible for preparing Tree Management Plans for each site, supervising tree cutting crews and monitoring tree protection measures until development completion.
- o Proposed Stop Work Orders and tickets can be issued immediately for Bylaw infractions rather than fines which can take time to implement or enforce in a Court of Law.
- o Staff can deny a tree cutting permit application that doesn't meet or comply with Tree Management Bylaw regulations.
- o Environmental performance securities are proposed for protection of trees and where replacement trees are required.
- o Appeal to Council if a Tree Permit is denied.

Maple Ridge Ticket Information Utilization Amending Bylaw No. 6929-2012 has been amended to include some larger fines, expanded to include new regulations proposed in the Tree Management Bylaw, and there are also a few updates to Bylaw section numbers. Details can be found in Appendix B. It is recommended that the Maple Ridge Ticket Information Utilization Amending Bylaw No. 7191-2015 be given first, second and third Readings.

Proposed Permit Fee Structure

The proposed Permit Fee Structure will provide the following:

- o Self-sufficient fiscal mechanism to support staff resources for Bylaw implementation including provision of technical assistance to landowners, permit review, enforcement and outreach.¹
- o Reasonable costs for small scale tree removal or small scale development with minimum tree removal to encourage citizens to work with Tree Permit process.
- o Higher permit fee costs for larger scale clearing vs. cost based on size of properties to help offset costs of staff resources and costs to community from tree removal impacts.
- o Some fee exemptions are included for applicants that wish to pursue tree removal that have active farm use status, landowners with hazard trees, dead or danger trees, trees within 2 metres of building structures, or trees that are causing economic damage to infrastructure and structures.

The following permit fees are being proposed for the new Tree Bylaw No. 7133-2015:

TREE CUTTING PERMIT (see Bylaw 7133-2015)

- (a) Urban Area and Urban Reserve lots and Rural parcels less than 0.5 ha \$50 for first tree + \$25 each additional tree;
- (b) Rural Area on parcels greater than 0.5 hectares \$50 for 11th tree + \$25 each additional tree;

- (c) Development & large scale clearing \$200 base fee + \$25 per tree;
- (d) Tree replacement \$425 per tree;
- (e) Parcels with active farm use \$0

¹ The Planning Dept. 2016 Business Plan includes a request to fund an Environmental Technician (Arborist).

The additional fee per tree to be removed will help the City of Maple Ridge recover costs on more complex sites where substantial tree removal is taking place and additional municipal resources are required to carry out site visits, review information and coordinate consultants, and carry out enforcement duties.

A City Arborist position will be funded through the proposed tree permit fees. The City will likely reduce previous costs associated with tree cutting by having a full time City Arborist. A City Arborist can help implement, monitor, and enforce the Tree Protection and Management Bylaw. The previous Tree Bylaw emphasized a reactive approach to tree cutting with minimal technical assistance, supervision and enforcement capability which resulted in increased costs to the City from safety concerns and liability issues, enforcement works, and staff time attempting to clean up after the damage had been done. The proposed permit fee structure will likely reduce the number of enforcement calls, liability issues, and impacts that occurred in previous years.

Therefore, Maple Ridge Development Application Fee Bylaw No. 5949-2001 has been amended to reflect the new fees as shown in Appendix C. It is recommended that the Development Application Fee Amending Bylaw No. 7192-2015 be given first, second and third Readings.

TABLE 2. Summary of Tree Protection and Management Bylaw Changes

Bylaw Section	Previous Bylaw Application	Tree Protection & Mgmt Bylaw
Application	Urban Area only on lots larger than 1 acre; or large enough to subdivide; Watercourse areas up to 15m; Steep slopes over 30%.	Trees > 20 cm dbh; All urban and rural lands; both development and non-development lands except where exemptions apply
Exemptions	First 3 tree removals on urban lots require no tree permit; Exemptions urban lots < 1 acre; Exemptions for rural lots; Exemptions for development;	All tree removals require a permit except where exemptions apply: <ul style="list-style-type: none"> ➤ trees <20cm dbh width; ➤ hazard, dead or dying trees; ➤ trees within 2 m of structures; ➤ hedges, alders & cottonwoods with some parameters ➤ up to 10 permit trees/yr on rural lots if >0.5ha, trees < 70cm, and lot must meet 30% canopy cover.
Permit Requirements	No criteria to refuse permit; No qualifications required for safety and knowledge of work	Circumstances listed under which tree cutting permit will be issued or denied; Qualifications for work to be performed

Replacements	Only required if violation i.e. removals in a watercourse setback or on steep slopes or unpermitted removals	Replacements required on all sites, if less than 16 trees per acre (or equivalent) remain on parcel; Cash in lieu option if unable to accommodate replacements; Security Deposits for large scale cutting;
Tree Protection	No requirements to protect or retain trees on development sites or non development sites; Heritage protection for trees on Shady Lane road ROW;	<ul style="list-style-type: none"> ➤ Protection criteria for Significant Trees > 70 cm DBH where possible; ➤ Heritage Trees on Shady Lane ROW; ➤ Retention Plans for trees along the perimeter of lots and low impact development requirements; ➤ Protection requirements to ensure temporary protection of trees from damage during construction period; ➤ Protection areas required for developers with re-planting zones.
Hazardous Trees	No requirements to manage for hazard trees on development sites or consider impacts to adjacent property.	<ul style="list-style-type: none"> ➤ Requirement for professional hazard tree assessments to be completed before and after development activity completed; ➤ Requirements to consider impacts including wind firm edges.
Tree Management Plan	No requirements	Requirement for developers, builders and large scale clearing applicants to consider how to mitigate the impacts of tree cutting both on site & off site; Tree retention plan and Tree Replacement plans are required; Requirements for site supervisor, coordination by Forester or Arborist.

NEXT STEPS:

A brief summary of the next steps and recommendations

- **Ongoing Review of Tree Management Bylaw**
The proposed Bylaw will require a review with Mayor and Council in 2016 to address any potential issues, resource requirements, and revisions that might need to occur.
- **Clarify Communications Responsibilities & Outreach For Stakeholders**
Further clarification on Tree Bylaw procedures, requirements, and best practices will be needed for community stakeholders which can be achieved through various mechanisms including development of educational and outreach materials on the Tree Protection and Management Bylaw No. 7133-2015 with the assistance of the municipal website, front counter handouts, building forum presentations, and updates to development package information checklists.
- **Amend Maple Ridge Ticketing Bylaw and Permit Fee Bylaw**
It is recommended that Maple Ridge Ticket Information Amending Bylaw No. 7191-2015 and Maple Ridge Development Application Fee Amending Bylaw No. 7192-2015 be amended to reflect the proposed changes to the Tree Protection and Management Bylaw 7133-2015. Details on the proposed amendments to these Bylaws are included in the Appendices.

CONCLUSIONS:

Based on the City of Maple Ridge's OCP objectives and policies in addition to feedback from Council and the broader community stakeholders, there is a need for a more comprehensive, effective, and suitable Tree Protection and Management Bylaw for the City of Maple Ridge.

The proposed Tree Protection and Management Bylaw No.7133-2015 will result in the following improvements:

- Legislative clarity and consistency with requirements of senior environmental agencies as well as municipal OCP objectives, bylaws, and best practices;
- Improved regulatory framework that focuses on pro-active protection, responsible management, and replacement requirements for new developments, clearcutting applications, large scale tree removal and for all other tree permit applicants;
- Comprehensive and flexible permit framework for dealing with tree protection, management, and replacement issues in urban, suburban, and rural areas;
- Greater consideration of services and benefits associated with tree canopy cover including minimum tree canopy cover targets and replacement requirements;
- Improved supervision, coordination, & monitoring by professional consultants;
- Greater flexibility and cost recovery opportunities for permit application fees; and
- Greater strength and clarity with respect to enforcement measures.

Therefore, it is recommended that the proposed Tree Protection and Management Bylaw No. 7133 – 2015 be granted first, second, and third readings.

“Original signed by Rod Stott”

**Prepared by: Rod Stott,
Environmental Planner**

“Original signed by Christine Carter”

**Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning**

“Original signed by Frank Quinn”

**Approved by: Frank Quinn, MBA, P. Eng
GM: Public Works & Development Services**

The following appendices are attached hereto:

- Appendix A. Maple Ridge Tree Management Bylaw No. 7133-2015
- Appendix B. Maple Ridge Ticket Information Amending Bylaw No. 7191-2015
- Appendix C. Maple Ridge Development Application Fee Amending Bylaw No. 7192-2015



City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council
FROM: Chief Administrative Officer
MEETING DATE: November 14, 2017
FILE NO:
MEETING: Council
SUBJECT: **Maple Ridge Tree Protection and Management Bylaw Update**
First, Second and Third Reading
Maple Ridge Tree Protection Amending Bylaw No. 7314-2017

EXECUTIVE SUMMARY:

On January 12 2016, Council adopted the Tree Protection and Management Bylaw (7133-2015). As a component of the adoption, and consistent with City practice, staff were to monitor the Tree Bylaw for a one year period, and then prepare an update report for Council's consideration.

Since that time, the Planning Department has collected, monitored, and evaluated information regarding the new regulation for Council's consideration. This report discusses the findings over the past year including a summary of successes, challenges, and financial implications. Having completed the review, it is concluded that the Tree Protection and Management Bylaw has been largely successful to date and no significant issues have arisen with the application of the Bylaw.

However, some minor administrative amendments to improve clarification and efficiencies are recommended. Tree Protection Amending Bylaw 7314-2017 has been prepared for Council's review and recommended that Council grant 1st, 2nd, and 3rd Readings. Please refer to proposed Bylaw Amendments shown in Appendix A along with a more detailed rationale and explanation for the changes in the Bylaw which can be found in Appendix B.

RECOMMENDATION:

That Tree Protection Amending Bylaw No. 7314-2017 be given first, second, and third readings.

1. BACKGROUND

a) *Summary of Tree Protection Bylaw Implementation 2016/2017*

Overall, there were a number of changes associated with the implementation of the new 2016 -2017 Tree Protection and Management Bylaw (Tree Bylaw) including:

- New expanded tree protection requirements;
- Requirements for tree inventory and assessment reports;
- Requirements for site supervision for clearing, hazard mgmt. and monitoring;
- The introduction of tree replacement requirements to achieve tree canopy cover targets;
- Stronger enforcement and compliance measures for urban and rural areas.

The following section of this report discusses the feedback received since the adoption of the Bylaw.

2. DISCUSSION:

Feedback during the past year since the adoption of the Tree Bylaw from tree permit stakeholders and internal review by staff members helped identify a number of minor changes and amendments recommended to help improve clarification, efficiencies, and effectiveness of the Tree Bylaw.

The following section of the report provides a brief summary of key challenges as well as successes/opportunities that arose over the past year with the implementation of the new Tree Bylaw. These findings are listed below in no specific order:

Challenges/Gaps:

- **Larger number of tree permits.** There were over 480 tree permits issued between February 2016 and up to the beginning of June 2017 compared with the dozen permits issued on an annual basis in previous years before the adoption of the current Tree Bylaw. This does not include the additional hundreds of tree permit inquiries, tree enforcement and compliance calls, hazard tree inspections, and other tree management related duties handled by the Environment Section. As expected, there were significant increased demands on the environmental section resources however the additional staff person approved by Council made it possible to meet these demands and the Environment Section was able to carry out its other environmental duties.
- **Coordination of stakeholders & development of new tree permit approval processes.** The implementation period over the past year required setting up and rolling out a number of new tree permitting processes. This included development of separate tree permit processes and procedures for zoning and subdivision applications, in addition to building permits and non development related applications. It required internal and external coordination with professionals of record, various municipal departments, and the general public.
- **There is ongoing demand for outreach, training, and awareness** for new developers, builders, tree experts/contractors and homeowners on municipal tree bylaw requirements and processes. Raising awareness about new processes, requirements, and standards was achieved through a variety of mechanisms. This included setting up information sessions at builder/developer forums, creation of tree bylaw handouts, setting up new municipal online website information, carrying out site visits and assisting with front counter and phone inquiries. In general, there are between 30 to 50 or more inquiries per day related to tree permit questions, coordination of information, and dealing with public concerns that are being handled by staff. Ongoing outreach and assistance by staff persons is helping to raise awareness across the municipality amongst various stakeholders and new citizens.

- **Land use density.** In historical and newer proposed densely populated areas within the municipality (i.e. town centre area or growth areas) it is understandably more challenging to protect, manage, and replace trees because of the smaller lot sizes and/or the larger impervious footprint expectations associated with proposed building structures, parking, and infrastructure required on site. Ongoing consideration for green infrastructure opportunities, including urban forest hubs and corridors, street trees, and green roofs will be required.
- **Leading by example.** There were some comments by some applicants that the current Tree Bylaw doesn't include requirements for retention or replacement trees where clearing is taking place on municipal lands by the City. Development of municipal owned lands for the purpose of resale requires adherence to the Tree Bylaw requirements. Capital projects for Parks, Operations, and Engineering Departments also incorporate tree retention and replacement measures where possible within plans and contractual agreements.

Routine operations management and maintenance works are currently exempt from tree replacement requirements. This includes routine upgrades and regular maintenance for infrastructure/utilities management, emergency works, and servicing works. However, to help offset some of the trees that occasionally need to be removed, the current Operations Dept. Business Plan also includes an incremental package to help fund a tree replacement program to help offset some of the clearing that is required on an annual basis.

Opportunities/Successes:

- **Positive consultation efforts.** Staff have been able to meet and speak with developers, builders, homeowners, and the general public about how the tree protection bylaw works and provide technical assistance. There have been opportunities to raise awareness about the importance of protecting significant trees, how to manage trees on private properties, and about the benefits trees provide. These discussions resulted in the retention of many trees that were proposed for removal.
- **Encouraging better tree expertise, supervision and practices.** The new Tree Bylaw has helped improve professional standards, best management practices, and improved relations with local tree cutting companies. There has been positive feedback and support from tree professionals regarding the City's efforts in creating more pro-active site management requirements and the establishment of tree canopy targets.
- **Increasing tree conservation ethic.** Constructive feedback and calls from development stakeholders, tree professionals, and members of the general public keep municipal staff informed about any ongoing issues/concerns related to poor tree management practices or non-compliance concerns. A shift in how people view trees and tree protection helps to achieve overall Tree Bylaw urban forest management objectives. There are quite a few examples where tree permit applicants chose to retain some of the trees on their properties that were originally slated for removal because they began to understand the various benefits and services that were being provided by the trees on site after speaking with municipal staff persons.
- **Ongoing monitoring & feedback on bylaw** from tree permit applicants, tree experts and contractors, homeowners, and members of the general public over the past year helped to identify strengths and weaknesses of the bylaw;
- **Opportunity to review efficiencies, fiscal support & outcomes.** Turn around times for issuance of tree permits generally ranges from two to five days depending on the amount of information provided, the complexity of the site and application, as well as the ongoing work demands. Up until June of 2017, the City of Maple Ridge has been able to generate over \$95,000 in revenue over the past year from tree permit fees to help support staff resources. It has also generated over \$65,000 in City Green Funds to assist the City in reaching tree replanting goals and education programs.

3. GENERAL TRENDS AND STATISTICS

The stats provide an overall picture and summary of recent trends.

Tree Permits Issued Over Past Year Feb 2016/June 2017

Total Number of Tree Permits Issued	485
Urban	372
Rural	87
ALR Lands	26

Subdivision*	25
Building Permit	72
Hazard Inquiry	22
Personal Property Requests	360
Violations	6

* There are still a large number of development applications that are active which require tree permits to be issued and approved. Final approval of tree permits for larger scale development typically occurs once final reading for Zoning applications or environmental DPs are ready to be approved.

In the previous years before the adoption of the current Tree Bylaw, there were on average only a dozen (12) tree cutting permits issued per year such as back in 2013/2014. There were 162 tree permits issued under the interim Tree Bylaw period in 2015/16. This past year 2016/17 there were over 480 tree permits issued up until the beginning of June 2017. An additional environmental ‘arborist’ staff position was created which has been critical for the successful implementation of the new Tree Bylaw given the increasing number of permits being reviewed. As stated, this position is funded through the tree permit revenue.

Overall there were far more tree permits being issued, reviewed, and approved this past 2016/17 year along with greater tree protection, management, and replacement requirements for different types of applicants and development activity types in both urban and rural areas.

The number of tree permits being issued this year however does not necessarily mean there was a larger number of trees being cut than in previous years. Previous to this new Tree Bylaw, there was no requirement for developers, builders, residents in rural areas, or homeowners in urban areas with smaller properties to go through any kind of permit process with the City. Given the limited regulations and Bylaw requirements from the previous Tree Bylaw, it was difficult to collect relevant tree data or statistics for previous years.

Tree Cutting Statistics For Past Year 2016/2017

Total # of Permit Trees Cut	1800
Total # of Permit Trees Replaced	978
Total # Significant Trees Proposed to be Cut	191
Total # Significant Trees Cut	157
Permit Trees Denied on Record	96

It is important to note that the total number of trees cut does not reflect the total number of trees and tree permits denied. It also doesn’t reflect the fact that most of the trees cut were not significant in size and in many cases were considered unhealthy or a potential danger to future

residents. Given the opportunity for staff to work with permit holders, there was an opportunity to retain a lot of trees. There was a significant amount of additional trees that were originally identified for removal that were protected on site through staff education & outreach with property owners & contractors.

On development sites, many permit sized trees were retained or protected under the current Tree Bylaw because of requirements for retention of a certain percentage of significant sized trees on site and the protection of permit trees around the perimeters of development sites. The Tree Bylaw also continues to allow rural residents to cut at least 10 permit sized trees per year in order to carry out regular annual maintenance on their properties, not including significant sized trees or trees within protected areas.

Comparison of Tree Permit Fees

2015/2016	2016/2017
\$26,512 Tree Permit fees	\$95,000 Tree Permit fees
\$0 – No tree replacement fund	\$65,000 City Green Fund

The past year required a number of new financial processes and procedures to be set up for the new Tree Protection Bylaw. This included procedures for different types of development, tree clearing, and for tree replacement requirements. It also required new fiscal processes, for implementing new enforcement and compliance regulations, and for dealing with security deposits related to responsible management of protected trees on larger development sites.

In the first few months, some of the tree bylaw requirements and processes for specific development activities and development permits took a bit of time to implement with consideration for older development applications. In some cases, there were large scale development applications that required larger amounts of tree clearing to take place on site in a phased approach, and the permit fees for some of these applications have not yet been collected in full by the City until the final approval of all the phases in these developments. Therefore some of these tree clearing permit fees on active developments still remain outstanding.

Description and Rationale for Proposed Tree Bylaw Amendments

To reduce redundancy and improve efficiencies and clarity on the existing Tree Bylaw, some administrative changes are recommended. The details of the recommended changes are found in Appendices B. A summary of the rationale for the proposed changes is provided below in bullet points for the sake of brevity and clarity:

Section 3. Definitions:

- a) **ADD City Tree – any tree of any size located on City owned property, including Park, boulevard and Rights of Way**

Rationale: this definition will clarify that trees on City property cannot be cut or removed without municipal approval by City Arborist including consideration for replacement trees.

- b) **AMEND Permit Tree – means a tree that is 20 centimetres DBH or greater, and any size tree in a Conservation Area or on City owned property**

Rationale: this addition clarifies that trees on these locations do not have a size requirement.

- c) ADD TO Significant Tree – **not including Cottonwood or Alder species outside of Conservation Areas**

Rationale: this addition excludes certain species that can often be a problem when they get to a significant size and age.

Section 5: Exemptions

- a) DELETE d) and AMEND e) to the following...

Cutting of no more than 10 trees, **excluding alder and poplar species**, in any twelve month period on parcel greater than half a hectare in the Rural Area; provided that there remains 40 trees per hectare over 20 cm DBH on the parcel; and the trees being cut are not over 70 cm DBH; **and the removals are not for building or development purposes and not in a conservation area.**

Rationale: d) and e) are redundant and can be made into one point for clarification.

- b) AMEND f) The tree is a Hazard Tree **or is dead**

Rationale: dead trees are not always hazardous, but still should be exempted from needing a permit.

Section 6: Permits

- a) AMEND 6.3 An application for reconsideration must be made in writing to the City Clerk **within thirty days of the date of letter of denial.**

Rationale: to ensure that there is a time when the file can be closed; and applicants do not come back months or years later to try to appeal a denial.

- b) ADD 6.11 **A Permit application is valid for three months from date of application. If required information for the permit application has not been submitted within three months, the application will be closed.**

Rationale: to ensure that there is a time when a file will be completed or closed; and applicants do not sit for months or years with an open permit file.

Section 9.7 Replacement Trees

- a) AMEND 9.7 to “in the amount of **\$600** per Replacement Tree with a maximum of \$17,000 to a maximum of **\$24,000** per hectare”

Rationale: It costs the City \$600 to plant a Street Tree for parts and labour; maximum equals 40 trees per ha X \$600 per tree. The security should reflect actual costs in case the City has to do the work.

Schedule ‘B’ Tree Management Plan Requirements

- a) AMEND 5 “If the proposed development does not retain a ratio of 40 Permit Trees per hectare within the Developable Area, then replacement trees are required. **Replacement trees must be located across proposed lots to equal the 40 trees/ha for each lot, where possible.**

Rationale: to prevent developments from planting replacement trees all in one area of the development and leaving the rest void of tree canopy.

- b) AMEND 7. Calculation of Security – Each tree to be planted or retained requires **\$600** security; not to exceed a total of **\$24,000** per hectare...

Rationale: to make the amount equal that of section 9.7

Schedule “D” Application

- a) DELETE ‘Cutting’ from title

Rationale: new title of Tree Permit Application; in order to encompass the idea that a Tree Permit not only covers cutting, but also protection and replacement planting requirements for development.

- b) DELETE #7 and #8

Rationale: they are not required for most residential applications and are covered in a Tree Management Plan for development applications.

- c) AMEND #9 to include a space beneath that will allow for a sketch right on the application form

Schedule “E” Replacement Tree Criteria

- a) REMOVE table,

Rationale: the table is confusing and inconsistent with the 40 trees/hectare target.

- b) **ADD All trees removed from Conservation Areas require replacements. Trees removed from non-Conservation Areas require replacements or Cash in Lieu to achieve 40 trees/hectare ratio.**
- c) Under Replacement Trees not required, DELETE: point 1. When the parcel is being actively used for agricultural uses –with farm status or with a proposed Farm Plan reviewed by the City;

Rationale: agricultural properties can still have 40 trees/ha in the non-farm areas and the perimeters of the property. There has been strong voice in agricultural areas that are concerned about complete loss of tree canopy affecting underground aquifer recharge, wind protection for trees on adjacent farm lands, and land degradation (erosion) concerns due to loss of trees.

4. INTER DEPARTMENTAL IMPLICATIONS

a) Inter Departmental

There have been various internal meetings and discussions held with staff from the Planning, Parks, Building, Engineering, Operations Departments to discuss implications of the proposed updates to the Tree Bylaw. Overall, it is believed that the proposed amendments are going to lead to better efficiencies and certainty with respect to the existing processes and practices.

b) Business Plan/Financial Implications:

Public feedback has stressed the importance of staff continuing to carry out visit sites to assist with concerns and to help determine permit requirements. It was also identified that it is important to continue with timely permit review, and enforcement and compliance duties.

Based on Tree Bylaw funds generated from the past year 2016/17, it is possible to support these components with the additional City Arborist position that was created to help carry out these implementation, outreach, and enforcement duties. Additional updates to the tree replacement costs will help reduce costs to the City for the purchase and implementation of the trees.

There are no additional financial implications expected with these amendments to the Tree Bylaw.

5. CONCLUSIONS:

The current Tree bylaw has helped create a more consistent and pro-active process for professionals resulting in responsible and standardized tree management practices on the ground. It has helped the City of Maple Ridge move effectively towards its tree protection and management policies and OCP objectives. It reflects the feedback received from the general public and permit stakeholders.

The proposed recommendations and amendments are not expected to impact development potential; however, they are intended to improve clarity, efficiencies, and outcomes from the tree permit review process and for non-development permit applicants. .

In summary, the proposed amendments and updates will help to:

- Facilitate efficiencies and integration of relevant information that in turn will reduce overall demands on staff time, municipal resources, and costs to taxpayers/stakeholders;
- Improve clarification of existing bylaw definitions, regulatory requirements, processes, and exclusions; and
- Update financial criteria and security requirements;
- It will support improvements with respect to supervision and monitoring by tree experts and arborists overseeing development works.

To conclude, there remains through the proposed amendments to the Tree Bylaw an opportunity for some minor changes, updates, and amendments that can create additional efficiencies, reduce municipal costs, provide greater clarity for permit holders, and promote better integration of development requirements with tree management requirements.

“Original signed by Rod Stott”

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Co-Prepared by: Gail Szostek
Environmental Coordinator

“Original signed by Christine Carter”

Approved by: Christine Carter, M.PL., MCIP, RPP
Director of Planning

“Original signed by Frank Quinn”

Approved by: Frank Quinn, MBA, P.Eng
GM: Public Works & Development Services

“Original signed by Paul Gill”

Concurrence: Paul Gill, CPA, CGA
Chief Administrative Officer

The following appendices are attached hereto:

Appendix A – Tree Protectiong Amending Bylaw No. 7314-2017

Appendix B - Tree Protection and Management Bylaw 7133-2015 (highlighted changes)