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**TO:** CITY MANAGER **DATE:** 2013 October 25  
**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 42000 20  
**SUBJECT:** PROPOSED BURNABY TREE BYLAW AMENDMENTS IMPLEMENTATION  
**PURPOSE:** To present the results of the Burnaby Tree Bylaw Review public consultation process and outline the next steps for its implementation.

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### RECOMMENDATIONS:

1. **THAT** Council authorize the advancement of the Burnaby Tree Bylaw amendments, as presented in this report.
2. **THAT** staff be authorized to advance the related administrative changes to the City's permit and fee systems and other necessary bylaws, regulations, programs, and guidelines required to implement the amended Burnaby Tree Bylaw.
3. **THAT** a copy of this report be forwarded to the Environment Committee for their information.

## REPORT

### 1.0 BACKGROUND

Burnaby's Tree Bylaw was established in 1996 to protect the City's trees and neighbourhood character. Council requested a review of the existing Burnaby Tree Bylaw to ensure that the Bylaw remains contemporary and relevant.

The existing Burnaby Tree Bylaw is based on the following principles:

- **A Balanced Approach:** The Bylaw should provide a balance between the use and enjoyment of private property, while addressing the need to protect trees.
- **Reasonable Cost:** The Bylaw should not impose an unreasonable financial burden on property owners or on the City in administering the Bylaw.
- **Simplicity and Effectiveness:** The Bylaw should be easily understood and capable of effective enforcement.
- **The Urban Forest:** The Bylaw should recognize that trees on both private and public lands are an important component of the urban forest and ecology of the city.

At their meeting of 2011 October 03, Council approved a staff report regarding the process necessary to complete the Burnaby Tree Bylaw Review, which included a review of tree bylaws in other jurisdictions; a survey of tree type, size and number in residential areas in Burnaby; and

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a public consultation program for any arising proposals. The proposed amendments to the Burnaby Tree Bylaw were authorized by Council, at their meeting of 2013 June 10, as the basis for public consultation and feedback. The proposed amendments include:

- Expanding the Scope of the Tree Bylaw
- Defining the Size of “Protected Trees”
- Implementing Replacement Tree Requirements
- Enhancing Enforcement Provisions
- Revising Tree Permit Fees
- Adding Opportunities for Boulevard Trees in the Local Area Service Program (LASP)

The purpose of this report is to present the findings of the public consultation process, to outline a phased implementation approach, and to request authorization for staff to pursue the necessary steps to implement the amendments to the Burnaby Tree Bylaw. A summary of the Burnaby Tree Bylaw amendments approved by Council for public consultation is presented in **Appendix I, attached**.

## 2.0 PUBLIC CONSULTATION PROCESS

The public consultation process for the proposed amendments to Burnaby’s Tree Bylaw was implemented in 2013 June in accordance with Council’s approval of this matter. The process included efforts to inform and notify Burnaby residents and property owners, as well as seek public input and feedback on the proposed amendments.

The process took place over two months and included:

- **City Webpage:** A dedicated webpage was created and launched in June 2013 to provide the public with access to resources and information related to the proposed amendments and the existing Burnaby Tree Bylaw. The webpage received over 1,330 unique visits to the site between June and September 2013. The webpage has been, and will continue to be, maintained to provide the public access to the resources and information on an on-going basis.
- **Public Information / Enquiry Desk:** The Planning and Building Department established a dedicated enquiry desk with a telephone, fax, and email contact point for the public. This enabled all public requests for information to be routed to one dedicated staff person who answered questions, provided additional resource or background information, and coordinated specific property enquiries from citizens and property owners.
- **Newspaper Notices:** Advertisements were published in two local newspapers, the *Burnaby NewsLeader* and *Burnaby Now*, in print on July 5 and July 10, and online for 3 weeks. These notices aimed to:
  - advise the public of the dates, locations, and times of the public information display events;

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- direct the public to information sources, such as the website and the enquiry desk; and
- encourage the public to complete the Public Opinion Survey.

The notices were also posted on the City's website, Facebook page, and Twitter feed. An email notice was also sent to the Burnaby Interagency Council, which is an affiliation of approximately 100 representatives from organizations and agencies offering community and social services in Burnaby.

In addition to the public notices in the newspapers, the Burnaby Tree Bylaw was featured in the following newspaper articles:

- "Proposal Strengthens Burnaby Tree Bylaw", *Burnaby NewsLeader*, June 10, 2013
- "Bolstering Tree Bylaw", *Burnaby Now*, June 12, 2013
- **InfoBurnaby:** An article was published in the 2013 Summer edition of *InfoBurnaby* which promoted the public information display events, the website, and the public opinion survey. This edition was delivered in July 2013 to over 95,000 Burnaby households and businesses and was also available online via the City website.
- **Public Information Display Events:** Five public information display events were held during the month of July 2013 and were staffed by members of the Planning and Building Department. The purpose of these events was to provide information to the public, promote awareness of the proposed amendments to Burnaby Tree Bylaw, explain the proposed amendments, answer enquiries, and receive public feedback and input on the proposals.

The public information display events were held in all four quadrants of the City and at City Hall as follows:

- Saturday, July 13 – 9:00am – 2:00pm – City Hall
- Monday, July 15 – 4:00pm – 8:00pm – Bob Prittie Library
- Saturday, July 20 – 11:00am – 3:00pm – Cameron Recreation Centre
- Tuesday, July 23 – 4:00pm – 8:00pm – Tommy Douglas Library
- Saturday, July 27 – 11:00am – 3:00pm – McGill Library

A public information display was also maintained in the City Hall Lobby for the duration of the Public Consultation process (June 2013 – August 2013).

The public information display events were visited by over 200 residents or property owners from across the City.

- **Public Opinion Survey:** A Public Opinion Survey was promoted, distributed, and made available both in print and online at the public information display events, the City website, and the Planning Department at City Hall. The purpose of the survey was to elicit public input and feedback from residents and property owners on the proposed amendments to the Burnaby Tree Bylaw. A total of 158 survey responses were completed and submitted.

### 3.0 PUBLIC INFORMATION DISPLAY EVENTS OVERVIEW

As noted, the five public information display events were held during the month of July 2013 and were staffed by members of the Planning and Building Department. The events aimed to:

- promote awareness of the Burnaby Tree Bylaw review;
- explain the proposed bylaw amendments;
- present the purpose of the review in relation to the existing Burnaby Tree Bylaw;
- provide information from the *Burnaby Residential Tree Survey* and the survey of municipal tree bylaws in other jurisdictions;
- answer public enquiries; and
- receive public input and feedback related to the proposals.

In total, approximately 200 plus people visited the information display events. Approximately 40% of those who attended were intentional visits. The events provided the opportunity for all citizens who were interested in the level of protection of Burnaby's trees to participate by asking questions, reviewing the display and other materials, and responding to the survey. As noted further in this report, the feedback was predominantly positive towards the proposed bylaw and administrative amendments.

### 4.0 PUBLIC OPINION SURVEY RESULTS

The Public Opinion Survey consisted of eight questions designed to engage and encourage citizens to express their opinions on the proposed amendments. Each question provided:

- a summary of the existing key provisions of the Burnaby Tree Bylaw;
- a summary of the proposed amendments to the provisions of the Burnaby Tree Bylaw;
- a request for feedback rating the respondent's level of support by choosing from the options *strongly agree, agree, neutral, disagree, or strongly disagree*; and
- additional space for specific or general comments or questions.

A total of 158 citizens and property owners completed and submitted a survey form. The majority of respondents support the proposed bylaw amendments. An overview of the Public Opinion Survey, including an analysis of responses, and a summary of the results is provided in the following sections.

#### 4.1 Public Opinion Survey Responses

##### Question #1: The Importance of Trees

###### **Question:**

How important is the protection of trees to you?

**Public Response:**

- 64% – Very Important
- 19% – Important
- 9% – Neutral
- 6% – Not very Important
- 2% – Not important

**Analysis of Public Response:**

The majority, 83% of respondents, replied that tree protection was important or very important.

This general question provided the opportunity to determine the respondents’ general opinion regarding tree protection in the City. Those who responded with “important” or “very important” cited a variety of reasons for why tree protection was important to them, such as ecosystem services (carbon uptake, wildlife habitat, shade, etc.), property values, air quality, neighbourhood character, and beauty. Many citizens remarked that it was necessary for the City to do more to protect Burnaby’s trees.

Those citizens who responded with “neutral” to “not very important” generally expressed concerns about issues related to the maintenance of trees and the need to support individual property rights.

**Question #2: Proposal A – Expanding the Scope of the Tree Bylaw**

*Existing Approach:*

The existing Tree Bylaw **only** applies to single and two-family lots that are subject to a development application or Demolition Permit.

*Proposed Approach:*

The proposed scope expands the applicability of the Tree Bylaw to **all** private and public lands at **all** times. Therefore, a Tree Cutting Permit would be required for the removal of Protected (Significant) Trees.

**Question:**

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

**Public Response:**

- 54% – Strongly Agree
- 15% – Agree
- 5% – Neutral
- 8% – Disagree
- 18% – Strongly Disagree

**Analysis of Public Response:**

The majority, 69% of respondents, expressed their support for the expansion of the scope of the Burnaby Tree Bylaw to be applied to all private and public lands at all times.

Those respondents in support of the proposed amendment provided positive comments including: *“I fully support that all trees must be protected!”* and *“I agree all sizeable trees should be protected.”* In addition, a number of the respondents added commentary regarding their concerns for the removal of trees in their neighbourhood or proposed that the City’s tree protection requirements should be more restrictive or stringent.

Among the respondents who disagreed with the proposed amendment, most were concerned with the ability of private property owners to manage their landscaping without civic restrictions or interference. Some citizens opposed to the amendment were concerned that under the proposal the City would force private property owners to retain *“hazardous”* trees. However, as stated in the City’s previous reports to Council and in the public information, the proposed Burnaby Tree Bylaw amendments would allow for the removal of trees, including hazard trees, based on the following proposed criteria:

Conditions when a Tree Removal Permit would normally be issued	Conditions when a Tree Removal Permit would NOT normally be issued
<ul style="list-style-type: none"> <li>✓ Tree is unhealthy.</li> <li>✓ Tree is structurally unsound.</li> <li>✓ Tree roots interfering with underground utilities.</li> <li>✓ Tree obstructing sight lines on roadways.</li> <li>✓ Tree causing damage to structures on property (that could not be mitigated through other means).</li> <li>✓ Species not well suited to growing conditions of site.</li> <li>✓ Not enough space on site to accommodate mature form.</li> <li>✓ Less than 10 years of healthy lifespan remaining.</li> <li>✓ Retention of tree would prevent development or servicing of the lot, in accordance with the Zoning Bylaw.</li> <li>✓ Retention of tree would cause undue hardship to property owner.</li> </ul>	<ul style="list-style-type: none"> <li>x Tree is shading the yard/house.</li> <li>x Tree is dropping leaves, needles or other normal material.</li> <li>x Tree is obstructing views.</li> <li>x Tree is preventing alternative landscaping of yard.</li> <li>x Tree attracts bugs (unless due to poor health).</li> <li>x Tree attracts birds or other wildlife.</li> </ul>

Generally, a “Protected Tree” could be removed to allow for the development/servicing of a site undergoing development, or if the tree was unsafe, unhealthy, interfering with utilities, etc. (see table above) on private lands that are NOT undergoing development, or if a tree, on City-owned lands, needs to be removed as a part of normal maintenance of parks/boulevards/facilities.

In addition, if staff determines that a tree is a ‘significant tree’ and it does NOT meet the criteria for removal, there are three options that are available to the property owner. They may retain the tree, or they may retain an arborist to assess the health or risk of the tree, and they may appeal to

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the Director Planning and Building, or Council. The provision of these options provides a number of avenues to ensure the proper management and removal of tree(s) while also ensuring adequate protection and enhancement of the urban forest.

It is noted that the bylaw standards would also apply to the management of City-owned lands in public use, that are not undergoing development, in alignment with the Council's *Tree Management Policy for Public Lands*, which will be updated to be consistent with the Tree Bylaw amendments. Public lands include City parks, road allowances, public easements, open space, conservation lands, lands accommodating City facilities, and other municipal public venues. The bylaw would otherwise apply to all remaining City-owned lands and City lands advancing through the development process.

### **Question #3: Proposal B – Defining the Size of “Protected Trees”**

#### *Existing Approach:*

The existing Tree Bylaw defines a “Protected Tree” as: “a tree, located on a residential lot, the diameter of which is greater than 20.3 cm (8 inches)...”

#### *Proposed Approach:*

It is proposed that Burnaby’s Tree Bylaw be amended to specify two different size classes of “Protected Trees”, depending on whether or not the property is subject to a development application:

- On properties subject to a development application, a Tree Cutting Permit would be required to remove **any tree 20cm (8 inches) or greater in diameter.**
- On properties not subject to a development application, a Tree Cutting Permit would be required to remove **any conifer tree 30cm (12 inches) or greater in diameter, and any broadleaf tree 45cm (18 inches) or greater in diameter.**

#### **Question:**

Do you agree with the proposed sizes for “Protected Trees”?

#### **Public Response:**

- 35% – Strongly Agree
- 20% – Agree
- 13% – Neutral
- 13% – Disagree
- 19% – Strongly Disagree

### Analysis of Public Response:

The majority, 55% of respondents, support the proposed bylaw amendment to provide a more specific definition for the size of “Protected Trees”.

A number of citizens, including those who support and those who did not support the proposal, provided feedback on the size and type of trees that should be protected. Those who responded in support of the bylaw amendment commented that the proposal should include “*all trees*” or that “Protected Trees” should be defined at a “*smaller size*”, thereby resulting in the protection of more trees. However, some citizens who opposed the bylaw amendment suggested protection should apply to specific tree species, or that the City should define a “*larger size*”, in order to protect fewer trees.

Acknowledging the concerns highlighted in the survey regarding the size of “Protected Trees”, staff would note that this issue was considered in detail as a part of the review of a range of approaches. The sizes proposed focus on larger or ‘significant’ trees, those that have the highest value for the community and for ecological benefits. They were formed as a result of the detailed analysis of the *Burnaby Residential Tree Survey*, a review of municipal tree bylaws in BC, and known attributes of each tree type, such as:

- **Conifers** fulfill important functions in urban environments such as reducing stormwater runoff and filtering air pollution. Since they retain their leaves year-round, these benefits (as well as others such as privacy, wind shelter and habitat) are provided throughout the year. A smaller size designation for conifer trees helps to maintain these benefits through the review and retention of a greater number of these trees.
- **Broadleaf** trees have highly variable sizes, growth forms and suitability for urban environments. While some species may grow to large size and have a long lifespan (thereby significantly contributing to neighbourhood character and environmental benefits); other species, such as fruit trees and smaller ornamental species, do not play as significant a role in the urban forest. A larger size designation for broadleaf trees would help to ensure city efforts are directed toward those trees that provide the greatest social and environmental benefits, while allowing residents to self-manage the balance of trees on their property.

The different sizes for protection are based on maintaining the current standard under a development application of requiring a tree permit to remove ***any tree 20cm (8 inches) or greater in diameter***. This is consistent with current practice and is a size that is commonly applied and accepted by the development community in most other jurisdictions.

As noted, on properties NOT subject to a development application, a Tree Cutting Permit would be required to remove ***any conifer tree 30cm (12 inches) or greater in diameter, and any broadleaf tree 45cm (18 inches) or greater in diameter***. These sizes provide a balance between maintaining and protecting trees and ensuring that City efforts are directed toward those ‘significant trees’ that provide the greatest social and environmental benefits. This focus is supported by the *Burnaby Residential Tree Survey* results which indicated that one or more tree(s) of this size/type are expected to be present on approximately 34% of all residential lots.



In total, the size criteria are estimated to represent approximately 44% of all the trees (both conifers and broadleaf trees) surveyed on residential lots not subject to a development application.

Staff note that this issue will continue to be monitored through the implementation process to allow for opportunities to adjust in response to specific issues as necessary.

**Question #4: Proposal C – Implementing Replacement Tree Requirements**

*Existing Approach:*

Currently, Replacement Trees *may* be applied as a condition of a Tree-Cutting Permit.

*Proposed Approach:*

The proposed Tree Replacement requirements would be as follows:

1. Replacement Trees would be applied as a condition of **all** Tree-Cutting Permits (with the **exception** of tree removal on single- and two-family properties that are not undergoing development).
2. Removal of larger trees would require more replacement trees to be planted, as outlined below:

Size of Tree to be Cut	Number of Replacement Trees Required
20cm (8”) to 30cm (12”)	1
30cm (12”) to 60cm (24”)	2
60cm (24”) or more	3

3. If it is not feasible to plant the required number of Replacement Trees on a subject property, a **cash in-lieu contribution** to a proposed Civic Tree Fund would be required. The Civic Tree Fund would be used exclusively to finance planting new trees on City lands.
4. In the case of tree removal on single- and two-family properties that are not undergoing development, the policy for Replacement Trees would be a condition that **may** be applied, subject to consideration of the circumstance, characteristics, and constraints of a particular property.

**Question:**

Do you agree with the proposed Replacement Tree Requirements?

**Public Response:**

- 41% – Strongly Agree
- 25% – Agree
- 5% – Neutral
- 12% – Disagree
- 17% – Strongly Disagree

**Analysis of Public Response:**

The majority, 66% of respondents, support the proposed amendment regarding the replacement tree requirements.

Comments from respondents who “agree” or “strongly agree” noted that the proposed bylaw amendment was generally “acceptable” and “fair”. There were some comments regarding the requirements or criteria for replacement trees, including the required size of a replacement tree, what species would be required, and the placement of the trees. In addition, there were some citizens who were unclear on whether the replacement trees would be protected, since they are smaller when planted and do not meet the size criteria for a “Protected Tree”. In response to these concerns, the criteria for replacement trees will follow the requirements under the existing bylaw with staff available to provide information and guidelines for residents on appropriate replacement types and sizes as broadly accommodated in the bylaw, and noting that a “Replacement Tree” is a “Protected Tree” under the existing bylaw and therefore cannot be removed without a permit.

There were some comments expressed by both those respondents in support and those opposed to the amendment regarding the “cash-in-lieu” option, and the potential for replacement trees to not be planted. In response, as outlined in the report to Council, the provision for the “cash-in-lieu” option will be implemented by the City to advance the key goals of the Tree Bylaw. This will include ensuring that funds taken as “cash-in-lieu” will be deposited within a reserve account, to be designated as the proposed Civic Tree Fund, which would be used exclusively to finance tree planting within the City’s parks, conservation lands, and as part of street / boulevard beautification projects. It is intended that the use of these funds would be expended on a programmed basis annually. The approach for expending the funds will be similar to the approach currently used for bonds held for tree replacement that are deemed abandoned by the applicant. As per previous reports to Council, the funds are designated to be “*expended from the account by City crews to plant replacement trees within City road rights-of-way in areas of the City, with preference given to planting in the immediate neighbourhood of the subject tree permit.*”

A number of the respondents in opposition to the proposal stated concerns related to the City’s future management and enforcement of replacement trees, and the cost of replacement trees. These concerns have been addressed through the following:

- The **replacement tree requirements**, as outlined in this proposal, would require replacement trees as a condition of Tree-Cutting Permits (with the exception of tree removal on single- and two-family properties that are not undergoing development). The

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scaled tree replacement ratio acknowledges the increased environmental and community benefits provided by larger trees, and would enable more rapid recovery of these benefits after permitted tree cutting. In addition, the “cash-in-lieu” option allows for the consideration of site specific characteristics and constraints on a case-by-case basis. This would be managed by staff through the permitting and development processes. The potential replacement requirement for single- and two-family properties would generally only be sought in exceptional circumstances where a substantial number of trees were removed and efforts to address neighbourhood impacts are warranted.

- The **enforcement provisions**, as outlined in **Question 5: Proposal D – Enhancing Enforcement Provisions** below, would provide four levels of civic enforcement response, depending on the severity of the bylaw contravention and circumstances, and allow for consecutive application, if necessary, to achieve compliance. This would be managed by staff through the permitting and development processes.

**Question #5: Proposal D – Enhancing Enforcement Provisions**

*Existing Approach:*

The current approach to enforcement of the Tree Bylaw includes several “tools” to address non-compliance, including compensatory Replacement Tree planting, retention of bonds held for replacement trees, ticketing, and legal prosecution and fines.

*Proposed Approach:*

In an effort to ensure that the objectives of the Tree Bylaw are achieved, the following enhanced enforcement provisions are proposed:

1. **Mitigation planting for trees cut in contravention of the Tree Bylaw:** A land owner may be required to plant Replacement Trees. If planting replacement trees on the subject property is not feasible, a contribution as cash-in-lieu to the Civic Tree Fund would be required.
2. **Withholding a bond** for Replacement Tree planting.
3. **Ticketing for Tree Bylaw infractions:** The penalty for cutting a Protected Tree without a valid Tree Cutting Permit is proposed to be increased from \$300 to \$500. (The maximum allowable under enabling legislation.)
4. **Tree Bylaw penalty:** The penalty specified in the Tree Bylaw, for a prosecution under the Offense Act be **increased from a minimum of \$2000 to a maximum of \$10,000.** (The maximum allowable under enabling legislation.)

**Question:**

Do you agree with the proposed enhanced enforcement provisions?

**Public Response:**

- 48% – Strongly Agree
- 19% – Agree
- 11% – Neutral
- 7% – Disagree
- 15% – Strongly Disagree

**Analysis of Public Response:**

The majority, 67% of respondents, support the proposed amendment to enhance the enforcement provisions.

While many respondents agreed with the enforcement provisions as presented, others in support of the amendment proposed greater penalties could be established to serve as a greater deterrent to the unlawful removal of trees. Respondents who “disagree” or “strongly disagree” had concerns that the penalties were too high, that the penalties should not apply to single-family homeowners, or that the penalties should not apply to those removing hazard trees. Additional comments included the need for more public education on the value of trees and the need to cultivate a better stewardship culture.

In response, staff would note that these comments and concerns have been addressed within the proposed bylaw amendment by providing several levels of civic enforcement response, depending on the severity of the bylaw contravention and circumstances. The enforcement provisions are intended to be a series of progressive steps, to be utilized consecutively if necessary, to achieve compliance with the bylaw, and would not generally relate to the proper removal of hazard trees. The provisions are similar to the existing enforcement approach and are generally in alignment with other municipalities in BC.

Staff note that the “*withholding a bond*” provision is consistent with the existing approach whereby a property owner is bonded to ensure that replacement trees are planted. Once the trees are planted, and are in good condition after one year, the bond is returned. The bond is only forfeited if the replacement trees are not planted and maintained. It is also noted that a “replacement tree” is a “protected tree” under the bylaw, and therefore could not be removed in the future without a permit.

The proposed enforcement provisions offer a balanced and stepped approach to managing and enforcing the Burnaby Tree Bylaw.

**Question #6: Proposal E – Revising Tree Permit Fees**

*Existing Approach:*

A Tree Cutting Permit, applied to the development of single- and two-family properties, is defined in the existing Tree Bylaw to include the following Tree Permit Fees:

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- \$67 for the first tree, \$36 for each subsequent tree, up to a maximum of:
  - \$265 for the first 0.5 hectare;
  - \$240 for each of next 2.5 hectares;
  - \$195 for each of next 3.5 hectares of the area of land containing the “Protected Trees” which the application for a tree cutting permit is made.

*Proposed Approach:*

The proposed approach consists of revising the fee structure to a variable “cost-recovery” model, depending on the type of property and whether or not it is subject to development. The following chart summarizes the proposed Tree Permit fees:

	Proposed Tree Permit Fee	Maximum Fee
<b>NO DEVELOPMENT</b>		
1 and 2 Family Lots	\$70 per tree	\$500
Other than 1 and 2 Family	\$70 per tree	\$500
<b>DEVELOPMENT</b>		
1 and 2 Family Lots	\$150 per tree	\$1000
Other than 1 and 2 Family Lots, up to 1000m <sup>2</sup> (10,764 sq.ft.)	\$600 base fee + \$150 per tree	\$1000
Other than 1 and 2 Family Lots, 1000m <sup>2</sup> (10,764 sq.ft.) to 5000m <sup>2</sup> (53,820 sq.ft.)	\$1200 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 5000m <sup>2</sup> (53,820 sq.ft.) to 10,000m <sup>2</sup> (107,640 sq.ft.)	\$1800 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 10,000m <sup>2</sup> (107,640 sq.ft.) to 20,000m <sup>2</sup> (215,280 sq.ft.)	\$2400 base fee + \$150 per tree	\$10,000
Other than 1 and 2 Family Lots > 20,000m <sup>2</sup> (215,280 sq.ft.)	\$3000 base fee + \$150 per tree	\$10,000

**Question:**

Do you agree with the proposed revision of the Tree Permit Fees?

**Public Response:**

- 32% – Strongly Agree
- 29% – Agree
- 9% – Neutral
- 9% – Disagree
- 21% – Strongly Disagree

**Analysis of Public Response:**

The majority, 61% of respondents, support the proposed amendment to revise the provisions of the bylaw related to Tree Permit Fees.

Respondents who “agree” or “strongly agree” with the proposal noted that the permit fees, as presented, appeared to be both “fair” and “reasonable”. In addition, some respondents

proposed that the permit fees could be further increased to better serve as a disincentive to the general removal of trees.

Comments from respondents who “disagree” or “strongly disagree” with the proposal cited concerns related to the ability of private property owners to manage their landscaping without civic restrictions or interference. Other citizens specifically objected to any permit fees being applied to the removal of trees.

In response to these concerns and issues, staff would note that the permit fee structure included as a part of the proposed bylaw amendments has been developed through a review and analysis of other BC municipalities, and represent a fee structure that is in alignment with the median-range of fees currently charged by other municipalities. The permit fee structure is a “cost recovery” model that is designed to cover the costs of the program. It is primarily focused on the review of trees on lands undergoing development with increasing levels of fees based on the size of the lot, the land use, and the level of effort and resources required for the review process. The permit fees for lots NOT undergoing development, including single- and two-family lots, are set at a base rate in an effort to provide a balanced approach and mitigate the cost burden on property owners, and not represent a disincentive to submission of the appropriate permit application.

**Question #7: Proposal F – Adding Opportunities for Boulevard Trees in the Local Area Service Program (LASP)**

*Existing Approach:*

The City of Burnaby currently has an existing Local Areas Service Program (LASP) that provides civic cost-sharing with residential property owners to apply for the improvement of their street, including street paving, installation of curbs and sidewalks, and planting of Boulevard Trees.

*Proposed Approach:*

In order to enhance the existing program, it is proposed that residential property owners, with a previously improved street, could apply for the installation or replacement of Boulevard Trees, the cost of which would be shared with the City under a LASP.

**Question:**

Do you agree with the addition of the new provisions for Boulevard Trees in the LASP?

**Public Response:**

- 37% – Strongly Agree
- 33% – Agree
- 20% – Neutral
- 6% – Disagree
- 4% – Strongly Disagree

**Analysis of Public Response:**

The majority, 70% of respondents, support the proposed administrative changes to add provisions for boulevard trees in the Local Area Service Program.

A majority of the responses from Burnaby’s citizens related to this proposal were positive. Only a few questions and comments were received and were limited to issues such as the types of trees that should be planted, the size of the trees to be planted, and some requests for further information on the cost structure for the Local Area Service Program.

In response, these questions are addressed within the existing Local Area Service Program. The LASP project costs are shared between the City and abutting owners. The annual charge per foot of taxable frontage depends on the type of work. On average, the City’s share represents 50-75% of the overall construction cost, depending on the street and type of improvements. The inclusion of boulevard trees would follow the set standards for size, species, and placement. The implementation process for this proposal would be advanced through the LASP process with additional information and brochures provided for residents or applicants.

**Question #8: General Comments**

**Question:**

Do you have any other general or specific comments regarding the proposed amendments to the Tree Bylaw?

**Analysis of Public Response:**

The majority of comments received in response to this General Comments section were similar to those provided by respondents in the specific sections related to the proposed amendments. There were no new issues or concerns cited that have not already been addressed in some detail by this report or the Proposed Burnaby Tree Bylaw Amendments report adopted by Council.

**4.2 Summary of Results**

As outlined in this report, the majority of Burnaby citizens who participated in the Public Opinion Survey supported the proposed amendments to the Burnaby Tree Bylaw. Based on the results of the public consultation process and the findings of the tree bylaw review, it is recommended that Council authorize the advancement of the proposed amendments to the Burnaby Tree Bylaw.

The general positive feedback from Burnaby’s residents and property owners highlights the wide recognition and understanding that trees play an important role in defining neighbourhood character, as well as providing environmental, economic, social, and aesthetic benefits. The public input received to date demonstrates that the proposed bylaw amendments are influenced by a number of competing and/or conflicting objectives and opinions. That said, the proposed amendments have acknowledged these challenges by following the original principles set by the existing Burnaby Tree Bylaw in providing for a balanced approach, a reasonable cost, simple and

effective requirements, and the tools to better protect and enhance the urban forest. In addition, the proposed amendments are consistent with Council’s overall sustainability vision and the City’s Official Community Plan (OCP).

## 5.0 PROPOSED IMPLEMENTATION APPROACH

The proposed amendments to the Burnaby Tree Bylaw, as approved by Council, and presented to the Public (summarized in *Appendix I*, attached), will form the basis for advancing a phased implementation approach. It will include the related administrative changes to the City’s permit and fee systems and other necessary bylaws, regulations, programs, and guidelines. The proposed phased implementation would include:

- **Introduction of the Bylaw Amendments:** Staff would advance the necessary reports to introduce the specific amendments to the Burnaby Tree Bylaw to Council.

Following formal adoption of the bylaw amendments, the administration of the bylaw would be undertaken by staff. Once the bylaw amendments have been adopted, the public would be able to apply for and, if approved, receive a Tree Removal Permit through the Building Department.

Subject to Council consideration, and the advancement of the necessary bylaw approval process, staff would anticipate that the bylaw amendments relating to these matters would be introduced later this fall, and could proceed through the adoption process earlier in the New Year.

- **Implementation of Amendments and Administrative Changes:** Staff would prepare the necessary administrative amendments to the City’s fee schedules and administrative procedures associated with the permit processes and the local area service program, and would seek any required Council approvals for specific items.

In tandem with this work, staff would initiate a comprehensive Public Information Program to advise applicants, residents, and property owners of the updated Burnaby Tree Bylaw. This phase would be coordinated with the Council bylaw approvals processes to support the development approvals and permitting process.

Staff would also proceed with a general public information program on the updated Burnaby Tree Bylaw with an article in InfoBurnaby, public notices, City website information, and the publication of City brochures and guides.

- **Ongoing Support Processes for Implementation:** Staff will pursue any necessary adjustments to the processes and procedures, as required to support the amendments, and will monitor issues or concerns that may warrant or support future reports to Council for ongoing adjustments to the Burnaby Tree Bylaw.



To: City Manager  
From: Director Planning and Building  
Re: Proposed Burnaby Tree Bylaw Amendments Implementation  
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## 6.0 CONCLUSION

As outlined in the Proposed Burnaby Tree Bylaw Amendments report adopted by Council, the proposed amendments to the Burnaby Tree Bylaw is intended to comprehensively address tree protection and replacement for all properties within the city. The proposals were developed based on the review of relevant and successful approaches implemented in other municipal tree bylaws through the *BC Municipal Bylaw Review*, and were guided by the results of the *Burnaby Residential Tree Survey*, in addition to key directions established in the Council adopted report on this matter. The overall objective of the proposed amendments is to establish an updated bylaw approach that effectively addresses the protection and enhancement of the urban forest.

This report recommends the advancement of the amendments to the Burnaby Tree Bylaw, as presented in this report, and recommends that staff be authorized to advance the related administrative changes to the City's permit and fee systems and other necessary bylaws, regulations, programs, and guidelines required to implement the amended Burnaby Tree Bylaw. The proposed amendments to the Burnaby Tree Bylaw would be advanced over a phased implementation plan. As the implementation of the bylaw amendments proceed, ongoing reviews will be advanced to Council through future reports.



Lou Pelletier, Director  
PLANNING AND BUILDING

RDSC:sa/sla

**Attachment**

cc: Deputy City Managers                      Director Parks, Recreation and Cultural Services  
Director Engineering                      Chief Building Inspector  
Director Finance                              City Solicitor  
Acting City Clerk

**SUMMARY OF PROPOSED BURNABY TREE BYLAW  
AMENDMENTS AND ADMINISTRATIVE CHANGES**

Burnaby's Tree Bylaw was established in 1996 to protect the City's trees and neighbourhood character. Council has proposed a number of amendments to the Tree Bylaw to enhance the City's approach to tree protection.

The Tree Bylaw is based on the following principles:

- **A Balanced Approach:** The Bylaw should provide a balance between the use and enjoyment of private property, while addressing the need to protect trees.
- **Reasonable Cost:** The Bylaw should not impose an unreasonable financial burden on property owners or on the City in administering the Bylaw.
- **Simplicity and Effectiveness:** The Bylaw should be easily understood and capable of effective enforcement.
- **The Urban Forest:** The Bylaw should recognize that trees on both private and public lands are an important component of the urban forest and ecology of the city.

The proposals, outlined below, have been developed in an effort to better protect "significant" trees within the City and ensure an adequate amount of replacement trees to enhance the urban forest.

***Summary of the Proposed Burnaby Tree Bylaw Amendments and Administrative Changes***

The proposed amendments to the Tree Bylaw are as follows:

- A. Expanding the Scope of the Tree Bylaw
- B. Defining the Size of "Protected Trees"
- C. Implementing Replacement Tree Requirements
- D. Enhancing Enforcement Provisions
- E. Revising Tree Permit Fees
- F. Adding Opportunities for Boulevard Trees in the Local Area Service Program (LASP)

***Proposed Amendment A: Expanding the Scope of the Tree Bylaw***

Existing Approach:

The existing Tree Bylaw applies to single- and two-family lots that are *only* subject to a development application or Demolition Permit.

Proposed Approach:

The proposed scope expands the applicability of the Tree Bylaw to **all** private and public lands at all times. Therefore a Tree Cutting Permit would be required for the removal of Protected Trees.

The bylaw standards would apply to the management of City-owned lands in public use, that are not undergoing development, in alignment with the Council's *Tree Management Policy for Public Lands*, which will be updated to be consistent with the Tree Bylaw amendments. These public lands include City parks, road allowances, public easements, open space, conservation lands, lands accommodating City facilities, and other municipal public venues. The bylaw would also apply to all remaining City-owned lands and City lands advancing through the development process.

***Proposed Amendment B: Defining the Size of "Protected Trees"***

Existing Approach:

The existing Tree Bylaw defines a "Protected Tree" as: *"a tree, located on a residential lot, the diameter of which is greater than 20.3 cm (8 inches)..."*

Proposed Approach:

It is proposed that Burnaby's Tree Bylaw be amended to specify two different size classes of "Protected Trees", depending on whether or not the property is subject to a development application:

- On properties subject to a development application, a Tree Cutting Permit would be required to remove ***any tree 20cm (8 inches) or greater in diameter.***
- On properties not subject to a development application, a Tree Cutting Permit would be required to remove ***any conifer tree 30cm (12 inches) or greater in diameter, and any broadleaf tree 45cm (18 inches) or greater in diameter.***

***Proposed Amendment C: Implementing Replacement Tree Requirements***

Existing Approach:

Currently, Replacement Trees ***may*** be applied as a condition of a Tree-Cutting Permit.

Proposed Approach:

The proposed Tree Replacement requirements would be as follows:

1. Replacement Trees would be applied as a condition of ***all*** Tree-Cutting Permits (with the exception of non-development related tree removal on single- and two-family properties).

2. Removal of larger trees would require more replacement trees to be planted, as outlined below:

Size of Tree to be Cut	Number of Replacement Trees Required
20cm (8") to 30cm (12")	1
30cm (12") to 60cm (24")	2
60cm (24") or more	3

3. If it is not feasible to plant the required number of Replacement Trees on a subject property, a **cash in-lieu contribution** to a proposed Civic Tree Fund would be required. The Civic Tree Fund would be used exclusively to finance planting new trees on City lands.
4. In the case of non-development related tree removal on single- and two-family properties, the policy for Replacement Trees would be a condition that **may** be applied, subject to consideration of the characteristics and site constraints of the property.

**Proposed Amendment D: Enhancing Enforcement Provisions**

Existing Approach:

The current approach to enforcement of the Tree Bylaw includes several “tools” to address non-compliance, including compensatory Replacement Tree planting, retention of bonds held for replacement trees, ticketing, and legal prosecution and fines.

Proposed Approach:

In an effort to ensure that the objectives of the Tree Bylaw are achieved, the following enhanced enforcement provisions are proposed:

1. **Mitigation planting for trees cut in contravention of the Tree Bylaw:** A land owner may be required to plant Replacement Trees. If planting replacement trees on the subject property is not feasible, a contribution as cash-in-lieu to the Civic Tree Fund would be required.
2. **Withholding a bond** for Replacement Tree planting. (Consistent with existing approach)
3. **Ticketing for Tree Bylaw infractions:** The penalty for cutting a Protected Tree without a valid Tree Cutting Permit is proposed to be increased from \$300 to \$500. (The maximum allowable under enabling legislation.)

4. **Tree Bylaw penalty:** The penalty specified in the Tree Bylaw, for a prosecution under the Offense Act be *increased from a minimum of \$2000 to a maximum of \$10,000.* (The maximum allowable under enabling legislation.)

**Proposed Amendment E: Revising Tree Permit Fees**

Existing Approach

A Tree Cutting Permit, applied to the development of single- and two-family properties, is defined in the existing Tree Bylaw to include the following Tree Permit Fees:

- \$67 for the first tree, \$36 for each subsequent tree, up to a maximum of:
  - \$265 for the first 0.5 hectare;
  - \$240 for each of next 2.5 hectares;
  - \$195 for each of next 3.5 hectares of the area of land containing the “Protected Trees” which the application for a tree cutting permit is made.

Proposed Approach

The proposed approach consists of revising the fee structure to a variable “cost-recovery” model, depending on the type of property and whether or not it is subject to development. The following chart summarizes the proposed Tree Permit fees:

	<b>Proposed Tree Permit Fee</b>	<b>Maximum Fee</b>
<b>NO DEVELOPMENT</b>		
1 and 2 Family Lots	\$70 per tree	\$500
Other than 1 and 2 Family	\$70 per tree	\$500
<b>DEVELOPMENT</b>		
1 and 2 Family Lots	\$150 per tree	\$1000
Other than 1 and 2 Family Lots, up to 1000m <sup>2</sup> (10,764 sq.ft.)	\$600 base fee + \$150 per tree	\$1000
Other than 1 and 2 Family Lots, 1000m <sup>2</sup> (10,764 sq.ft.) to 5000m <sup>2</sup> (53,820 sq.ft.)	\$1200 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 5000m <sup>2</sup> (53,820 sq.ft.) to 10,000m <sup>2</sup> (107,640 sq.ft.)	\$1800 base fee + \$150 per tree	\$5000
Other than 1 and 2 Family Lots, 10,000m <sup>2</sup> (107,640 sq.ft.) to 20,000m <sup>2</sup> (215,280 sq.ft.)	\$2400 base fee + \$150 per tree	\$10,000
Other than 1 and 2 Family Lots > 20,000m <sup>2</sup> (215,280 sq.ft.)	\$3000 base fee + \$150 per tree	\$10,000

***Proposed Amendment F: Adding Opportunities for Boulevard Trees in the Local Area Service Program (LASP)***

Existing Approach:

The City of Burnaby currently has an existing Local Areas Service Program (LASP) that provides civic cost-sharing with residential property owners to apply for the improvement of their street, including street paving, installation of curbs and sidewalks, and planting of Boulevard Trees.

Proposed Approach:

In order to enhance the existing program, it is proposed that residential property owners, with a previously improved street, could apply for the installation or replacement of Boulevard Trees, the cost of which would be shared with the City under a LASP.