



## The Corporation of the District of Saanich

# Report

**To:** Mayor and Council

**From:** Suzanne Samborski, Director of Parks, Recreation and Community Services

**Date:** December 23, 2024

**Subject:** Tree Protection Bylaw Alignment Amendments

**File:**

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### RECOMMENDATIONS

That Saanich Council amend the Tree Protection Bylaw No.9272 to:

1. Remove the requirement to pay Cash-In-Lieu for non-market housing projects when all the required replacement trees cannot be accommodated on-site; and
2. Remove Significant Tree #38 from Schedule B of the Tree Protection Bylaw, due to its advanced state of decline.

### PURPOSE

The purpose of this report seeks Council's authorization to amend the Tree Protection Bylaw No.9272 (Tree Bylaw) to align with recent Council direction to waive the imposition of cash-in-lieu for non-market housing developments. This report also seeks Council's approval to remove Significant Tree #38 from Schedule B of the Tree Bylaw due to its poor condition and ill health.

### BACKGROUND

The requested Tree Bylaw amendments are to align with Council direction on the Rapid Deployment of non-market housing. One amendment is requested to allow a property owner to lawfully remove a tree in poor condition.

### DISCUSSION

Details are outlined below.

#### 1. Waiving Cash-in-Lieu requirements for non-market Housing

On July 15, 2024, Council received the Rapid Deployment of Non-Market Housing Program report and bylaws resulting from that report were passed on September 9th, 2024. That report also recommended:

"3. That Council direct staff to draft amendments to the Tree Protection Bylaw for consideration by Council that:

- a. Remove the requirement for cash-in-lieu to be provided for non-market housing developments that cannot accommodate replacement trees on-site; and,
- b. Ensure consistency between the Building, Subdivision, and Tree Protection Bylaws on permissible forms of bonding.”

This requested Tree Bylaw amendment seeks to fulfill Council’s direction.

Legal Services is working with other departments regarding the second half the of the Council direction (motion b) to ensure there is consistency between the Building, Subdivision and Tree Protection Bylaws on permissible forms of bonding in early 2025.

## 2. Remove Significant Tree #38 from the Tree Protection Bylaw due to its advanced state of decline

Schedule B of the Tree Bylaw designates Significant Trees in Saanich. The Tree Bylaw stipulates that the Director of Parks, Recreation and Community services may not issue a permit to alter, cut, damage, or remove a Significant Tree. To lawfully conduct these activities, Council must amend the Tree Bylaw to delist a Significant Tree from Schedule B. The tree in question is listed in Schedule B of the Tree Bylaw as:

<u>Address</u>	<u>Location &amp; Size</u>	<u>Type of Tree</u>	<u>Tag #</u>
4158 Wilkinson Road	0.3 south of north property line-32cm DBH	Acer negundo (Manitoba Maple)	38

(See APPENDIX 1: Images of Significant Tree #38).

The property owner at 4158 Wilkinson Road has applied to subdivide their property and this tree was identified for removal to facilitate servicing to the lot. However, due to the tree’s poor condition, its removal is supportable even if there is no change in land use.

Significant Tree #38 is a 34cm diameter at breast height (DBH) *Acer negundo*, also known as Manitoba maple or box elder. It is in an advanced state of decline, evidenced through dieback in the upper crown (dead top), sloughing bark and fruiting bodies of decay pathogens have been observed as far back as 2021. Over recent years, the tree continues to decline and there is no anticipated chance of it recovering. This Manitoba maple tree is defined as “protected” only because it is listed on Schedule B of the Tree Bylaw.

*Acer negundo* are known to be short-lived, considered to have weak wood and are prone to limb failure. Manitoba maples are native to eastern North America, where they grow in disturbed soils and tolerate poor growing conditions. While Manitoba maples are considered invasive in some jurisdictions, this tree is not listed on the Capital Regional Invasive Species Partnership (CRISP) priority species list nor is it listed on the Provincial priority invasive species list.

Significant Tree #38 is in an advanced state of decline, and it is not anticipated to improve. At some point, the tree is likely to fail. While there is an active subdivision application at the property that identifies the removal of the tree for site servicing, the removal of the tree is a supportable course of action, regardless of future plans on the property.

Staff recommend Significant Tree #38 be removed from Schedule B of the Tree Bylaw so the property owner may lawfully remove the declining Manitoba maple. If Council approves to delist this tree from the Tree Bylaw, it would no longer be defined as “protected” as it is only protected

by its listing as a Significant Tree. The owner could then remove the tree. The decision to delist this tree from Schedule B will not have a significant impact on Saanich's urban forest.

## **COUNCIL OPTIONS**

1. That Council approves the recommendations in this report and provide the first three readings of "Tree Protection Bylaw, 2014, Amendment Bylaw, 2024, No.10135.
2. That Council maintains the status quo.
3. That Council provides alternative direction to staff.

## **FINANCIAL IMPLICATIONS**

There are no substantial financial implications resulting from any of the recommendations in this report.

Regarding waiving the CIL requirement for non-market housing, the impact to revenues to the Urban Forest Reserve Fund (where CIL is deposited) is estimated to be in the range of between \$4,000-\$7,000 dollars per year. This figure is based on the most recent four qualifying projects in Saanich, some of which are still undergoing various stages in the process, so final tree replacement requirements may not be known in detail and include best estimates. Two of the projects were able to accommodate all the replacement trees on-site, so required no CIL, the third project is estimated to owe \$3800 in CIL and the last project may be closer to \$70,000 in CIL. This last project is considered an outlier for several reasons. The redevelopment is occurring on Saanich land where the definition of a "protected" tree applies to all trees. Also, Saanich applies the highest replacement (3:1) ratio of replacement trees to all Saanich projects. resulting in a higher number of required replacement trees than on private property. The estimate of \$3000-\$7000 per year is therefore thought to be a reasonable estimate.

There is no financial implication to delisting Significant Tree #38 from the Tree Bylaw. If this tree was removed from Schedule B of the Tree Bylaw, the tree would no longer qualify for a Significant Tree grant, in which Saanich pays up to 50% of the tree care costs. Significant Tree Grants can range from a few hundred, to over a thousand dollars, per application. However, since this tree is in an advanced state of decline, with no chance of recovery, there is no recommended treatment to aid in the health of this tree and therefore, is not eligible for a grant. The cost to cut and remove the tree is the responsibility of the owner, regardless of if the tree remains a Significant Tree or not.

## **STRATEGIC PLAN IMPLICATIONS**

These Tree Bylaw amendments help Saanich achieve its strategic goals. Waiving the CIL requirement for non-market housing helps Saanich to improve the supply of diverse and affordable housing by reducing some of the financial barriers on non-market housing providers when they are unable to accommodate all the required replacement trees on-site. This is directly related to actions outlined in the Housing theme, specifically:

- 3.1: "We use mechanisms available to increase and improve the supply of diverse an affordable housing that meets the needs of our residents now and in the future" and;

3.4 “We recognize the direction in the Provincial Housing Target Order to increase housing supply by taking steps to meet or exceed the targets through updates to policies, processes and development review approaches, and by measuring our progress as part of the District-wide approach to housing.”

Council can anticipate future amendments to the Tree Bylaw as the Urban Forest Strategy continues to be implemented.

## **CONCLUSION**

The proposed Tree Bylaw amendments support the District’s commitment to continuous improvement. Removing the CIL requirements for non-marketing housing will help support building more diverse housing options in Saanich. Allowing the removal of a Significant Tree in a state of advanced decline would facilitate the owner’s ability to reduce risk to their property and persons occupying their yard. These Tree Bylaw amendments are considered relatively minor and will help to alleviate some of the administrative burdens for staff, non-market housing providers and residents managing trees on their property.

Prepared by: Nathalie Dechaine, Manager, Community Development and Business

Reviewed by: Eva Riccius, Senior Managers, Parks

Approved by: Suzanne Samborski, Director

Attachments:

APPENDIX 1: Images of Significant Tree #38 Acer negundo (Manitoba Maple)

APPENDIX 2: Tree Protection Bylaw 2014 Amendment Bylaw 2025, No. 10135

## **ADMINISTRATOR’S COMMENTS:**

I endorse the recommendation from the Director.

Brent Reems, Chief Administrative Officer