

CITY OF KELOWNA

BYLAW NO. 9329

Amendment No. 1 to Municipal Properties Tree Bylaw No. 8042

A bylaw to amend the "Municipal Properties Tree Bylaw No. 8042".

The Municipal Council of the City of Kelowna in open meeting assembled, enacts as follows:

1. THAT Municipal Properties Tree Bylaw No. 8042 be amended by:
 - (i) Adding the words "and the Tree Removal and Replacement Policy as identified in Schedule "B" before the words "of this bylaw" in sub-paragraph 6.2 under section **6.0 GENERAL PROVISIONS**;
 - (ii) Adding the following in sequential order in sub-paragraph 13.1 under section **13.0 SCHEDULES**:

"Schedule B - City of Kelowna Parks Division Tree Removal and Replacement Policy"; and
 - (iii) Adding Schedule "B" to the end of Bylaw No. 8042 – Municipal Properties Tree Bylaw attached to and forming part of this bylaw.
2. This bylaw may be cited as "Bylaw No. 9329 being Amendment No. 1 to Municipal Properties Tree Bylaw No. 8140".
3. This bylaw shall come into full force and effect and be binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this day of , 2004.

Adopted by the Municipal Council of the City of Kelowna this day of , 2004.

Mayor

City Clerk

Municipal Properties Tree Bylaw No. 8042

Schedule B

**City of Kelowna Parks Division
Tree Removal and Replacement Policy**

REASON FOR POLICY

To clarify the City's tree removal bylaw on public lands, and the authority required to grant permission for removal. This policy deals with removal requests from the public as well as requests from City departments, businesses or external agencies.

POLICY

Trees on City property are protected against unauthorized damage by the Municipal Trees Bylaw No. 8042 and will only be removed if they meet one of the two sets of removal criteria outlined below. Trees removed from urbanized city boulevards or formal parks will be replaced at a minimum two for one ratio, either on-site or at a more suitable location in the City of Kelowna.

REMOVAL CRITERIA

Criteria #1:

Trees on City property may be removed, transplanted or replaced at public expense if in the opinion of the Urban Forestry Supervisor the tree:

1. Constitutes a hazard to life or property or is a public nuisance;
2. Is infected by disease or injurious insects that are a significant threat to the tree or nearby trees, or require the use of chemicals or treatments that are incompatible with the City's Integrated Pest Management Program;
3. Is planted too close to an abutting tree that it impedes growth of either or both;
4. Is documented to damage existing lines, poles, pipes, sewer lines, traffic control devices or other public utilities, and the problem can not be corrected by trimming or root pruning; or
5. At the discretion of the Parks Manager or his delegate.

Criteria #2:

If a tree does not meet criteria #1, a person may apply in writing to the Urban Forestry Supervisor for permission to remove a tree, if all of the following conditions are met:

1. The tree is not a significant neighbourhood asset, and removal does not harm the public interest;
2. Removal must be conducted by a City approved contractor (with the proper insurance and licenses) according to specifications provided by the City; and
3. Equitable compensation is paid for the value of the tree as determined by a tree appraisal, as well as all removal costs. Replacement costs may also be required, at the discretion of the Urban Forestry Supervisor. Funds received from compensation will be used to replace the tree at a minimum 2:1 ratio and any remaining funds will be placed into a tree planting reserve.

Some factors for consideration of this type of removal request include:

- Heritage value of the tree (including inclusion on the city's 1992 heritage tree inventory list). Removal of a tree on the heritage list must receive prior approval from the Parks Committee, unless it is imminently hazardous;
- Value of the tree to the neighbourhood (as determined from neighbour comments);
- Whether the tree was planted as part of a uniform boulevard or park planting (e.g. removal of individual trees will affect the character of the area);
- The size and species characteristics. Some species are short-lived or more prone to problems and/or high maintenance costs. Recognized scientific references, such as Matheny and Clark (1994)¹ and the International Society of Arboriculture Tree Failure Database will be used as a guide; and
- If the removal is for the purpose of improving "gray infrastructure" (e.g. new construction, road or utilities infrastructure) and no alternatives exist, then the benefits of removal will need to be weighed against the loss of green infrastructure. A plan to replace or improve "green infrastructure" may be a condition of approval.

¹ N.P. Matheny and J.R. Clark. 1994. A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas. Second Edition. International Society of Arboriculture, Urbana, Illinois.