
CITY OF KELOWNA

MEMORANDUM

Date: January 23, 2006
File No.: 6130-07
To: City Manager
From: Urban Forestry Supervisor
Subject: Pine Beetle Bylaw

RECOMMENDATION

THAT a pine beetle bylaw not be enacted at this time;

AND THAT based upon the results of beetle management efforts in 2006, staff report back before the end of the year with a more detailed strategy and budget for 2007, which may include a bylaw.

BACKGROUND

A comprehensive strategy for managing western pine beetle (WPB) was described in the January 10, 2006 report from the Urban Forestry Supervisor, including the possible addition of pine beetle to the City's noxious insect bylaw. This report discusses some of the potential benefits and drawbacks of this approach, as requested by Council at the January 16, 2005 meeting.

"Pine beetle" used to be part of the city and regional noxious insect bylaws, but was removed at the request of the Regional District of the Central Okanagan (RDCO) in 2000. The bylaw currently states that a property owner must control certain damaging insect pests, primarily pests which threaten the local orchard industry, such as codling moth or cherry fruit fly. Failure to comply may result in RDCO doing the necessary work, and charging costs back to the property owner on their taxes.

Since 2000, the RDCO bylaw officer has taken an educational approach, counselling property owners who have pine beetle infestations and advising them to take action, with no threat of enforcement. For the great majority of cases, this approach has worked well. However, in a few cases, owners have been unwilling to take action, especially as the costs of controlling a large infestation become significant. The Hall Road 'Save our Trees' Committee also cited the lack of a bylaw as a major concern in their January 16, 2006 presentation to Council, since an owner who refuses to control the beetle could ultimately defeat the efforts of neighbouring private or public properties.

Some of the potential issues associated with bringing back the pine beetle bylaw include:

- A lack of adequate resources to enforce the bylaw (the current RDCO budget for enforcing this bylaw, region-wide, is \$14,000 annually). RDCO estimates that it could cost up to \$30,000 more to add another part-time bylaw inspector;

- The RDCO cited major concerns over enforcement and recovery of costs. For example, a similar 'hazard tree' bylaw requires owners to remove trees that could threaten public properties. Although the recent enforcement decisions under that bylaw have been less than \$1,000, they have been very difficult for some affected owners. Costs to the owner could potentially be very high for logging of pine beetle trees, compared to the minimal cost of spraying for an orchard pest;
- There are no guarantees that control efforts will halt an infestation's progress. RDCO is concerned that if ordered works to control an infestation were not 100% effective, the owner could potentially launch a lawsuit against the local government for not properly controlling the infestation;
- A bylaw within the city boundaries may have limited effectiveness since beetles do not respect boundaries and may enter the city through adjacent Crown, Provincial Park, or regional lands. For example, beetles could readily enter the Mission area from adjacent Crown forests or the Okanagan Mountain Park; and
- Concerns have been raised over removal of trees in steep slopes or environmentally sensitive areas. Tree removal in these areas may be too expensive, or result in degraded environmental conditions.

CONCLUSIONS

Creation of a bylaw in the short term could be problematic, especially in the absence of the other components of the recommended pine beetle strategy of January 10, 2006. Immediate enactment of a bylaw would require additional funding for inspections and enforcement, which is difficult to justify based upon recent budgetary constraints. A bylaw could also create a hardship for property owners if the bylaw is put into place without the additional support and assistance that might be offered by the complete beetle program.

Rather than put more resources into bylaw enforcement, it may be more efficient to create a "beetle coordinator" who can assist with inspections and education, and only involve bylaw staff when there is a case of non-compliance.

Therefore, staff are recommending that the current program is continued for the remainder of 2006, with an emphasis on education and counselling of affected property owners, seeking additional funding from other levels of government, and the \$100,000 in assistance already approved by Council. This will enable staff to report back to Council at the end of 2006 with a report that describes the full scope of the problem, e.g. how many property owners are not complying, and a more detailed funding strategy for the 2007 budget, which may include a bylaw.



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