



# Corporate

NO: R232

# Report

COUNCIL DATE: December 9, 2002

<b>REGULAR COUNCIL</b>			
TO:	<b>Mayor &amp; Council</b>	DATE:	<b>December 3, 2002</b>
FROM:	<b>General Manager, Planning &amp; Development</b>	FILE:	<b>12237/12245-09150</b>
SUBJECT:	<b>The Inclusion of the "Rock Tree" in the List of Significant Trees and Heritage Register</b>		

## RECOMMENDATION

It is recommended that Council:

1. approve the inclusion of the Western Red Cedar Tree that is growing out of a boulder on lots located at 12237 and 12245 91A Avenue (hereafter referred to as the "Rock Tree") in Schedule B "Significant Trees" of the Surrey Tree Preservation By-law No. 12880;
2. resolve to include the Rock Tree in the City's Heritage Registry; and
3. instruct the City Clerk to bring forward the necessary Tree Preservation By-law amendment for the required readings.

## INTENT

The purpose of this report is to obtain Council approval to include the Rock Tree located at 12237 and 12245 – 91A Avenue in the list of Significant Trees in the Surrey Tree Preservation By-law and to register the Rock Tree on the City's Heritage Registry.

## BACKGROUND

The much-publicized Rock Tree is located on two residential lots at 12237 and 12245 - 91A Avenue, which are part

of new larger subdivision. The City and the developer have gone to great lengths to design the surrounding subdivision so as to accommodate the tree and to protect the tree during construction and after occupancy of the homes on the two lots.

At the Regular Council meeting on November 4, 2002, after considering a Corporate Report regarding the Rock Tree, Council adopted the following resolution:

“that staff meet with the community and assess the possibility that the tree be added to the list of significant trees in the Tree Preservation By-law and, if reasonable, on the Heritage Register.”

As a result of that direction of Council, staff undertook appropriate evaluations, met with a representative of the community and subsequently forwarded a memorandum attached as Appendix I, dated November 18, 2002, to the Heritage Advisory Commission. The item was considered by the Commission at its meeting on November 20, 2002.

After considering the memorandum, the Heritage Advisory Commission determined that the tree held sufficient merit to be included on both the Significant Tree List and the Heritage Registry and resolved to recommend to Council:

“That staff be instructed to take such actions as are necessary to place the Rock Tree on the Heritage Registry and to amend the Surrey Tree Preservation By-law No. 12880 to include the Rock Tree on the Significant Tree List that forms part of the By-law.”

At the Regular meeting on November 25, 2002, Council referred the above recommendation to the Planning and Development Department.

## DISCUSSION

City arborists using the evaluation process provided by City of Surrey Great Tree Hunt Fact Sheet undertook an evaluation of the subject tree. It was concluded from that evaluation that the Rock Tree has sufficient value to be included on both the Significant Tree List and the Heritage Register.

If the Rock tree is added to the Significant Tree List, the tree cannot be cut down without the matter being taken before Council for consideration and approval. Further, any pruning or alteration of the tree cannot be undertaken without first obtaining a permit from the City and specific instructions being given by City staff on how the work must be done. In addition, the owner of the property on which the tree is located would be legally obligated to do whatever is necessary to ensure the on-going health of the tree.

Adding the Rock Tree to the Heritage Registry does not provide any additional legal protection for the tree, but it would increase the value of the tree from the perspective of the Courts, should the tree be damaged or destroyed and the City decide to take legal action. By placing the tree on the Heritage Registry, the City will be demonstrating to the neighbourhood, the City's commitment to preserve the tree. Where the owner of the property agrees, a plaque describing the merits of the tree is usually placed on the property somewhere near the tree.

In the past it has been Council's policy not to put a tree on the Significant Tree List unless the owner of the property on which the tree is located agrees. In this case, the present owner of the lots on which the tree is located has advised that he would prefer that the tree not be added to the Significant Tree List. Despite this stance, given the strong neighbourhood sentiment related to preserving the tree and the fact that under legislation the City has no obligation to obtain the owner's permission to place a tree on the Significant Tree List, it is considered reasonable to include the subject tree on the List.

## **CONCLUSION**

To help ensure the on-going protection of the Rock Tree and to formally acknowledge the importance of the tree to the community, it is recommended that Council approve the addition of the Rock Tree to Schedule B “Significant Trees” in the Surrey Tree Preservation By-law No. 12880 and that Council resolve to add the Rock Tree to the City's Heritage Register.

Murray Dinwoodie  
General Manager  
Planning and Development

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Attachment

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