

Present:

Mayor Locke, Chairperson (entered the meeting at 5:06 p.m. and left the meeting at 6:09 p.m.)
Councillor M. Bose, Vice-Chair
D. Jack
M. Lamont
K. Purton
S. Sajda

Absent:

D. Smith

Staff Present:

Y. Yohannes, Manager, Utilities
N. Chan, Tree and Landscape Manager
L. Lensink, Climate Policy Advisor
N. Aven, Director, Parks
L. Blake, Assistant City Clerk

Councillor Bose assumed the role of the Chair.

A. ADOPTIONS**1. Adoption of the Agenda**

It was Moved by M. Lamont
Seconded by K. Purton
That the agenda of the Environment and
Climate Change Committee meeting of October 11, 2023, be adopted.
Carried

In response to a question from the Committee, the Manager, Utilities, advised that an open house for the South Campbell Heights Neighbourhood Concept Plan is scheduled for November. Outcomes from the open house will be brought forward to the Committee at a future meeting.

Mayor Locke joined the meeting at 5:06 p.m.

2. Adoption of the Minutes

It was Moved by S. Sajda
Seconded by M. Lamont
That the minutes of the meeting of the
Environment and Climate Change Committee of September 12, 2023, be adopted.
Carried

B. DELEGATIONS**1. Tree Cutting on Agricultural Land**

Myles Lamont, Terrafauna Wildlife Consulting

Myles Lamont, Terrafauna Wildlife Consulting, provided a presentation regarding tree cutting on agricultural land and highlighted the following information:

- In December 2022, a tree removal permit to remove 645 trees was issued for 19350 and 19310 8 Avenue for agricultural purposes. Both properties abut the Agricultural Land Reserve (ALR). The natural topography of the site and soil studies indicate that the site is not conducive to farming. Neither properties were included in the ALR. Both properties are zoned A-1, but do not currently have farmland classification from BC Assessment. Both sites are sloped and would likely be difficult for farm equipment to traverse.
- Part 7, Section 29(f) of *Surrey Tree Protection Bylaw, 2006, No. 16100* (“the Tree Bylaw”) permits the General Manager, Planning and Development, to issue a tree cutting permit or allow the removal of a protected tree, other than a significant tree, for a property outside of the ALR, which is zoned to permit agricultural use and the application is accompanied by an arborist report and a sworn declaration of the owner declaring that the tree is to be cut or removed to permit agricultural use and that the agricultural use cannot be located elsewhere on that lot so as to accommodate the tree. In addition, the property owner is required to enter into a Restrictive Covenant that is registered on the title of the lot documenting that the property owner will not submit a development application for the property for a period of 10 years. Should the property owner submit a development application during the 10-year Restrictive Covenant period, the full amount of replacement trees and all other applicable provisions of the Tree Bylaw, as determined by the General Manager, Planning and Development, would apply to the property.
- A Green Infrastructure Network (GIN) runs through both properties and provides a natural connection corridor between Washington and BC. The GIN identifies green areas and animal habitat, and the Official Community Plan has GIN-related policies to protect existing forests and vegetation. These policies do not appear to have been accounted for prior to the issuance of the tree removal permit. The proximity of the GIN to the site should have resulted in a Sensitive Ecosystem Development Permit. A Farm Protection Development Permit Area also exists on the site but it does not appear that either permit has provided the site with the required protections prior to the tree clearing. In addition, there was no geotechnical report despite the slope of the sites, no nesting bird survey, and no tree mitigation or retention seems to have been considered.

- The amount of tree removal from the sites could be considered timber harvesting instead of tree clearing. The value of the tree removal permit was \$6,388 while the estimated market value of the red cedar trees removed is \$150,000 – 200,000. The estimate does not include the Douglas fir trees also removed from the site.
- Applications for tree removal permitted based on agricultural intent should be vetted and questioned more closely, especially if the land had previously not been deemed suitable for agriculture. Section 29(f) of the Tree Bylaw should be reviewed to ensure the clause is used only in appropriate situations and close any potential loopholes related to tree removal.

In response to questions from the Committee, the following information was provided:

- Tree removing permits issued between March 1 and August 31 require a nest bird survey to be submitted as part of the application.
- The Restrictive Covenant that would not permit a property owner from submitting a development application for the property for a period of 10 years is registered on title, and would apply to any subsequent property owners within the 10-year period.
- If the property owner submits a development application for either property within the 10-year Restrictive Covenant period, they would be required to plant the full amount of replacement trees that would have been required if the tree cutting permit was not issued for agricultural purposes, and all other applicable provisions of the Tree Bylaw, as determined by the General Manager, Planning and Development. A development application received after the 10-year Restrictive Covenant period would not be required to fulfill any requirements of the Tree Bylaw.

The Committee discussed concerns regarding the issuance of the tree cutting permit based on agricultural purposes and questioned why a property would be able to receive a permit for agricultural purposes when the property does not currently have farm class designation. The Committee noted the following additional comments:

- The issuance of a tree cutting permit for these two properties does not uphold the purposes of the Sustainability Charter, the Official Community Plan, the Biodiversity Conservation Strategy and other City policies related to protecting the environment. The City must be able to enforce its policies that are meant to protect the environment.
- The City has already lost many assets due to non-adherence with City policies, including approximately 1/3 of the City's green assets, many of which have been removed from Campbell Heights.
- As there was no nesting bird survey for the site prior to the tree cutting, it is likely that nests and young birds were killed during the tree cutting process.

- The removal of the trees could result in massive water run-off during an atmospheric event.
- Staff could investigate how often tree cutting permits are issued under Part 7, Section 29(f) of the Tree Bylaw.

The Committee discussed Part 7, Section 29(f) of the Tree Bylaw and recommended that the Restrictive Covenant period be increased from 10 years to 25 years. The increased time period would validate the agricultural use of the property and provide legitimacy for the removal of trees specifically for agricultural purposes. The Committee also suggested that staff could investigate if the Tree Bylaw could account for the increase in costs related to tree removal, should an applicant submit a development application during the 10-year Restrictive Covenant period.

It was

Moved by M. Lamont

Seconded by S. Sajda

That the Environment and Climate Change

Committee:

1. Endorse the presentation received from Myles Lamont, TerraFauna Wildlife Consulting regarding tree cutting on agricultural land to be presented to the Agriculture and Food Policy Committee;
2. Endorse a review of *Surrey Tree Protection Bylaw, 2006, No. 16100* by the Agriculture and Food Policy Committee, with consideration for increasing the Restrictive Covenant period outlined in Part 7, Section 29(f) from 10 years to 25 years;
3. Recommend that Council direct staff to review *Surrey Tree Protection Bylaw, 2006, No. 16100*.

Carried

C. STAFF PRESENTATIONS

1. Tree Bylaw Overview

Nadia Chan, City of Surrey, Trees and Landscape Manager

The Tree and Landscape Manager provided a presentation on *Surrey Tree Protection Bylaw, 2006, No. 16100* ("the Tree Bylaw"). The following information was highlighted:

- The Tree Bylaw was enacted in 2006 and has received multiple updates since it was adopted. The bylaw regulates and prohibits the cutting, removal and damage of trees, sets fees and the issuance of permits, and outlines requirements for replacement trees and the security for their provision and maintenance.

- Surrey has experienced an overall decline in canopy coverage, from 33% in 2001 to 29% in 2023. The canopy cover does not include land in the Agricultural Land Reserve (ALR) and private land contributes the most to the canopy cover.
- Tree cutting permits can be issued for non-development related purposes or as part of a development application. Non-development permits can be issued to remove trees from a property for a variety of reasons. An arborist conducts a site visit to ensure that the tree to be removed meets the bylaw requirements. A tree cutting permit can also be issued for a site during the development application process. Permits are required to be issued for properties that are being developed for the use the property is zoned for; however, staff can review trees on site to determine if there are healthy trees that could withstand construction and request the applicant to revise their application in order to retain trees.
- The Tree Bylaw outlines rules regarding the placement of replacement trees in order to achieve the greatest chance of success and provide adequate room to grow. As townhouse and multi-family developments can be difficult sites to plant replacement trees, staff often work with developers to align backyards and front entrances to save as much space as possible for trees. The Tree Bylaw also allows the City to collect securities to ensure that replacement trees are planted.
- Situations when a tree is damaged or removed without a permit are reviewed individually. After the City arborist assesses the tree, the City can issue a Municipal Ticket Information system (MTI) ticket and penalties as outlined in the Tree Protection Bylaw. If ticketing and issuing penalties do not resolve the issue, the City can pursue prosecution.
- Tree cutting permits issued for properties within the ALR have different requirements as outlined in Part 7, Section 29(e) of the Tree Bylaw. Applicants must provide an arborist report, environmental documentation if there are bird nests or watercourses on site and sign an affidavit confirming that the City will not accept application for subdivision, rezoning or development for the property within five years. The permit fee is per acre, and fees are not collected for replacement trees in order to support farm activities and ensure the right to farm.
- Tree cutting permits for properties used for agricultural purposes that are outside of the ALR must include a Restrictive Covenant to be registered on title confirming that a development application will not be submitted for the property within ten years. If a development application is submitted within the ten-year Restrictive Covenant period, the full amount of replacement trees and other applicable provision of the Tree Bylaw, as determined by the General Manager, Planning and Development, would apply.

In response to questions from the Committee, staff provided the following information:

- When the Tree Bylaw was reviewed in 2018 and 2019, agricultural tree cutting was identified as an area that could be strengthened. While amendments to the agricultural tree cutting section were not implemented at that time, staff researched different requirements of municipalities across Canada. For example, some cities require an applicant to submit a farm plan as part of their application and if the farm plan is not implemented, the permit could be voided.
- Timber sales are regulated by the Province, and timber harvesters are required to pay taxes on timber.
- As per the *Farm Practices Protection (Right to Farm) Act*, the City cannot penalize a farmer for replacement tree fees, as the Act gives farmers the right to clear their land for the production of food.
- The Tree Bylaw applies to protected trees, trees that are greater than 30 centimeters, replacement trees as required by a development application or tree cutting permit and/or trees that were designated to be protected during development. Existing trees that are 20 centimeters or greater that are retained on a development site can be counted toward the replacement tree total, and the retained trees would then be considered protected trees.
- During the City's annual tree sale, information regarding the size of the trees and recommended planting conditions are provided along with the tree.
- The tree canopy is based on the condition of trees at the time the survey is done.
- If there are trees to be retained during development, the City can collect a security deposit to ensure the retained trees remain protected and undamaged during construction. When the project is completed, staff would assess the trees. If the trees are undamaged, the security deposit is returned to the applicant; however, \$3,000 can be collected per damaged trees.
- The City's target is to have a 30% tree canopy cover by 2038. Recognizing the ongoing decline of the canopy, a significant tree planting effort is needed. Funds to support additional tree planting are available for tree planting in the Green City fund, and some of those funds were utilized in 2018 to acquire a parcel of forested land that is a 'hub' in the City's Green Infrastructure Network.
- All tree cutting permits are issued for 12 months, except permits issued between March 1 to August 31, which require a bird survey as per federal regulations.

- The Tree Bylaw is updated as requested, and is not automatically updated as part of the Official Community Plan Bylaw update process. Staff can review engagement during the next update process. The Environment and Climate Change Committee and Agriculture and Food Policy Committee would be consulted as internal stakeholders.

The Committee noted the following comments:

- The tree canopy could be revised to not include trees in forests in order to highlight the impact of removing trees on private property.
- The City could do a better job of promoting the Tree Bylaw. A campaign in multiple languages highlighting the Tree Bylaw could be implemented and information regarding the Tree Bylaw could be included along with property tax notices. Residents should also be encouraged to monitor the health of trees throughout the city. In addition, information regarding the Tree Bylaw and staff contact information could be featured more prominently on the City's website.

Mayor Locke left the meeting at 6:09 p.m.

- The City could work the Province and Ministry of Transportation and Infrastructure to plant more trees along roadsides and highways.
- One of the biggest challenges related to tree conservation and loss of tree canopy is the removal of trees from private property. The Green City fund could be utilized to pay for planting trees on private property. Tree planting on farmland could be especially beneficial and many farmers may be willing to participate in a tree planting program. Staff could also explore options to strengthen the City's ability to require tree retention during development, whether or not a property is being developed for the use it is zoned for, similar to riparian area regulations that must be followed when a property in or adjacent to a riparian area is developed.
- Concerns were expressed that the City is not required to pay compensation for City trees removed during City construction projects, such as road widening. City trees should have a higher valuation, and there should be an individual appraisal for each tree removed from City property.

It was

Moved by M. Lamont

Seconded by K. Purton

That the Environment and Climate Change

Committee recommend that Council:

1. Direct staff to seek a legal interpretation of the tree cutting permit that was issued for 19350 and 19310 8 Avenue and options the City has to hold the property owner accountable for conducting farm activities at the site; and
2. Direct staff to implement an audit or review process to ensure a tree cutting permit is not inappropriately issued for agricultural purposes in the future.

Carried

2. Climate Change Action Strategy – Building and Ecosystems Action Plan

Larisa Lensink, City of Surrey, Climate Policy Advisor

The Climate Policy Advisor summarized the report dated October 2, 2023, regarding the Healthy Zero-Carbon Buildings and Climate-Positive Resilient Ecosystems components of the Climate Change Action Strategy (CCAS). The following information was highlighted:

- The Healthy Zero-Carbon Buildings component envisions that by 2050, all buildings across Surrey will be healthy, energy efficient and zero-carbon in operational emissions, and constructed to minimize lifecycle emissions, are comfortable year-round and help protect occupants from the impacts of climate change. The vision is supported by two goals:
 - Avoid carbon pollution and improve energy efficiency and resilience to climate impacts in new buildings. This goal is the easier and least costly of the two goals because local governments have a high degree of influence over new construction and designing low carbon, high performance buildings from the outset is less expensive than retrofitting them later.
 - The quick-start action for this goal to update the Building Bylaw to phase out carbon pollution and increase energy efficiency across all new buildings is currently underway. The City can use the BC Energy Step Code in the BC Building Code to increase energy efficiency requirements for new buildings. The BC Zero Carbon Step Code was introduced in May 2023 and provides local governments the ability to set carbon pollution limits for new construction. The Province will increase the requirements in the BC Building Code over time so that all new buildings will be zero carbon by 2030. Staff are considering an appropriate approach to Zero Carbon Step Code adoption in Surrey, starting with initial research and working towards a consultation period in the coming months.
 - Phase out carbon pollution and improve energy efficiency of existing buildings. This goal is more challenging and complex, given the scale and rate of retrofits that is needed and the limited oversight and regulatory tools that are currently available to the City. This goal in particular will require significant leadership and investment from senior levels of government.

- The Climate-Positive Resilient Ecosystems envisions that by 2050, the City will be threaded with protected and restored forests, streams, and wetlands, along with parks, urban trees and rain gardens. These ecosystems provide places for people to enjoy nature, support biodiversity, store carbon, reduce air and water pollution, and improve climate resilience. The Climate-Positive Resilient Ecosystems component is supported by two goals:
 - Protect, connect and restore ecosystems. The shift and actions under this goal take the lens of improving resilience and adapting to climate change through nature-based solutions. This goal prioritizes ecosystem health and additional green infrastructure to improve the resilience of natural and urban areas to climate impacts like heat and rain events.
 - Encourage opportunities for regenerative agriculture and negative emissions. This is an emerging area for the City, so the shifts are more exploratory in nature, but a priority to advance as our knowledge and capacity grows in order to improve resilience of agricultural land and to sequester carbon within City boundaries.
 - Work on the quick-start action to undertake a pilot project exploring the opportunity for soil carbon sequestration and regenerative agriculture in the Agricultural Land Reserve is currently underway at Mound Farm Park. The project includes habitat enhancement activities, baseline soil assessments and winter cover crop applications and will support the objectives of the CCAS, Coastal Flood Adaptation Strategy and Biodiversity Conservation Strategy.
 - This component applies a climate lens to the City's work related to natural assets. Following this approach, there are three main roles of natural assets in the CCAS and in the City's climate action work:
 - Climate resilience: protecting and enhancing the City's natural assets can improve resiliency to climate impacts both in the ability of natural areas to withstand changing conditions and in urban areas by providing shading and improved rainwater management.
 - Carbon sequestration: natural assets remove carbon from the atmosphere. While human-caused carbon emissions produce approximately 2.4 million tonnes of GHG emissions, natural assets can sequester about 27,000 tonnes of carbon. It is important to focus on reducing GHG emissions as much as possible before looking to offsetting remaining emissions, while maintaining the City's natural assets so that existing carbon sequestration potential is not lost.

- Co-benefits: natural assets provide benefits to human health and enjoyment, and foster a value for the environment, inspiring individual action.
- The City has existing ecosystem-related policies that have overlapping objectives with the CCAS, such as the Biodiversity Conservation Strategy, Green Infrastructure Network and Urban Forest Management Strategy. There are detailed activities outlined in these documents, and the CCAS is anticipated to complement these strategies.

In response to questions from the Committee, staff provided the following information:

- Other municipalities that have adopted Zero Carbon Step Code requirements have received delegations from Fortis BC. Staff would encourage BC Hydro to make a delegation to Council in order to provide Council a full picture of the implications of the Zero Carbon Step Code.
- Staff will consult with industry groups in fall 2023, including builders and developers, who would be impacted by Zero Carbon Step Code requirements, and consider broadening this to capture input from the public.

The Committee noted the following comments:

- It can be onerous on farmers to cover crop, and not all farmers can produce their own seed. It was suggested that the City could implement a program similar to the City of Delta's Farmland and Wildlife Trust project to support regenerative agriculture.
- Biodiversity representatives and stakeholders, and members of the public should be included during the engagement process for the Zero Carbon Step Code to provide a different perspective from the development industry.
- The City could advocate to different levels of government to provide incentives for retrofitting to support the goals of the Healthy Zero-Carbon Buildings component.

D. OTHER BUSINESS

This section had no items.

E. NEXT MEETING

The next meeting of the Environment and Climate Change Committee is scheduled for 5:00pm on November 15, 2023.

F. ADJOURNMENT

It was

Moved by S. Sajda

Seconded by K. Purton

That the Environment and Climate Change

Committee meeting be adjourned.

Carried

The adjourned at 7:27 p.m.

Jennifer Ficocelli, City Clerk

Councillor Bose, Vice-Chair