

# TREE PROTECTION ADVISORY COMMITTEE

## REPORT TO

## MAYOR AND COUNCIL

**PRESENTED:** JUNE 14, 2021 - REGULAR MEETING  
**FROM:** TREE PROTECTION ADVISORY COMMITTEE  
**SUBJECT:** REVIEW OF TREE PROTECTION BYLAW

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### RECOMMENDATION(S):

**That** Council give first and second reading to Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712;

**That** Council give first, second and third reading to Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2021 No. 5713;

**That** Council give first, second and third reading to Fees and Charges Bylaw 2007 No. 4616 Amendment Bylaw 2021 No. 5714; and

**That** Council authorize staff to schedule a Public Input Opportunity to solicit written submissions for Bylaw 2021 No. 5712.

### EXECUTIVE SUMMARY:

At its Regular Evening Meeting on April 15, 2019, Council requested staff to bring forward a Tree Protection Bylaw, based on the City of Richmond Tree Protection Bylaw No. 8057, undertake an existing canopy review in the Township and bring forward a Tree Canopy Protection Standard (now termed: *Community Forest Management Strategy*). Council also noted their intent to appoint a Tree Protection Advisory Committee (TPAC) for an 8 – 12 month maximum, with broad based community representation to review the Tree Protection Bylaw after one year of implementation, and to review the *Community Forest Management Strategy* created by consultants. Council adopted Tree Protection Bylaw 2019 No.5478 (the Bylaw) on July 8, 2019. Council endorsed the TPAC Terms of Reference on June 15, 2020, and the Council-appointed committee members were announced on September 22, 2020.

At its Regular Evening Meeting on October 26, 2020 Council received a one-year review of the Tree Protection Bylaw from staff and referred it to the TPAC for consideration of next steps.

As with many Township initiatives, the Covid-19 pandemic has impacted timelines related to originally scheduled work being undertaken in a number of policy areas. In light of this change of circumstance related to the unforeseeable trajectory of the pandemic limitations, the TPAC executive have worked closely, and collaboratively, with Township staff in order to facilitate the critical review of the existing Bylaw in a time sensitive manner. Conclusions derived from the ongoing review generated a consensus amongst Committee members that the proposed changes to the Bylaw needed to be expedited so that tree protection would be the foremost consideration, based on staff experience in the past year administering the current Bylaw. Based upon information provided from staff regarding implementation challenges, TPAC is therefore supportive of accelerating the process of the Bylaw update, which review has resulted in the proposed changes suggested for immediate implementation.

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TPAC has reviewed the Bylaw and the proposed changes to the Bylaw have been prepared for Council consideration. The proposed amending bylaw includes the following key changes:

- Revised definitions
- Increased tree protection and tree conservation under the Bylaw by changing protected size from 30cm to 20cm diameter breast height
- To allow tree removal in cases where a Protected Tree can be demonstrated through an Arborist Report to be: dead, dying, damaged, diseased or in decline beyond expectations of recovery, in imminent failure, or have unresolvable conflicts with buildings or utilities, or is inappropriate for its location due to size and species
- Updated replacement tree planting guidelines

The intent of the proposed amendments is to shift the Bylaw towards a prescriptive and more comprehensive approach to tree protection, while maintaining a balance to relieve any undue hardship to homeowners. Input on the Bylaw review and proposed amendment has been a collaboration between TPAC, Township staff, and a review of International Society of Arboriculture best practices to tree management issues. It should be noted that Metro Vancouver is in the process of developing a 'tool kit' for tree bylaws for member municipalities. These are intended as a best practices for regional tree bylaws, and will relate directly to canopy cover policies.

As noted in the October 26, 2020 report, an additional arborist and support clerk are required to administer the Bylaw, both in its current form and with the proposed amendments incorporated, in order to maintain service levels for existing programs. The changes proposed in the amending bylaw will continue to generate additional workload on staff. Future staffing requests may be required, based on monitoring of application volume.

**PURPOSE:**

This report is in response to Council direction to staff and the Tree Protection Advisory Committee to review the Tree Protection Bylaw.

**BACKGROUND/HISTORY:**

At its Regular Evening Meeting on April 15, 2019, Council passed the following resolution:

*Whereas several other municipal jurisdictions in the Lower Mainland have already adopted Tree Protection Bylaws over the last decade including Delta, Richmond, Vancouver, Surrey, Maple Ridge and Abbotsford;*

*Whereas the City of Richmond BC has very clear and concise Tree Protection Bylaw standards easily available to the public on their City website, and their Tree Protection Bylaw has been in place since 2006;*

*Whereas the previous Township of Langley Council referred the matter of a Tree Protection Bylaw to the current Township of Langley Council;*

*Whereas in January 2019, the current Township of Langley Council identified Tree and Canopy Protection in the Township as one of their top 6 priorities for this term;*

*Whereas staff have requested Township Council to provide more direction on this matter; and*

*Whereas the recently formed Brookwood-Fernridge Neighbourhood Planning Committees will also need direction and standards relative to their advisory work on these new Neighbourhood Plans;*

*Therefore be it resolved that the Township of Langley (TOL) Council:*

**1. Request TOL staff to:**

- a) *Bring forward a Township of Langley Tree Protection Bylaw based on the City of Richmond Tree Protection Bylaw for First and Second Reading”; and include the following provisions:*
  - *That trees less than 30cms in diameter, at 1.4 metres from the ground are exempt from the proposed bylaw;*
  - *That residents have the ability to remove one tree every 24 months with a permit with no fee and no arborist report; and*
  - *A “Species Exclusion List” be developed in conjunction with the proposed Bylaw.*
- b) *Hold a Public Hearing on the proposed TOL Tree Protection Bylaw prior to Third Reading; and*
- c) *Bring forward Final Reading of the proposed TOL Tree Protection Bylaw;*

**2. Request TOL staff to undertake an existing tree canopy review in the Township and to bring forward a Tree Canopy Protection Standard for the entire Township in the next 6-12 months, focusing first on the Brookwood-Fernridge area so that this standard is known by all the Brookwood-Fernridge Neighbourhood Planning Committees and TOL staff concurrent with their advisory work and Neighbourhood Plan recommendations to Council; and**

**3. Appoint an 8-12 month (maximum) Tree Protection Council Advisory Committee with broad-based representation from the entire Township in July 2020 to review both the 2019 TOL Tree Protection Bylaw and the subsequent 2019-2020 TOL Tree Canopy Protection Standard in order to ensure that the adopted 2019 TOL Tree Protection Bylaw is effective and that the Township's Sustainability Charter will be met for the current and future generations who live in all communities of the Township of Langley.**

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**DISCUSSION/ANALYSIS:**

The Tree Protection Advisory Committee (TPAC) has reviewed Tree Protection Bylaw 2019 No. 5478 (the Bylaw), and has provided recommendations for improving the Bylaw. In several cases, such as Section 5.4, and others, staff brought forward suggestions for improvements; these were edited and included by TPAC. As per its Terms of Reference, TPAC has provided advice and guidance for the protection, preservation, and planting of trees in the Township. The Bylaw review has addressed the primary objective to balance the need to streamline bylaw implementation and the need to maximize tree protection and preservation in the community.

Proposed Amendments to Tree Protection Bylaw 2019, No. 5478

The proposed amendments to the bylaw focus on three main areas and goals:

1. Revising existing definitions and adding new ones to improve clarity of technical terms and definitions to enhance and improve implementation of the Bylaw;
2. Enhanced restrictions to limit the removal of protected trees to the following situations:
  - a) A tree is dead, dying, damaged, diseased, or in decline beyond expectations of recovery;
  - b) a tree is in imminent failure;
  - c) a tree has unresolvable conflicts with buildings or utilities;
  - d) a tree, by virtue of its size and species, is inappropriate for its location.
3. Updated guidelines and requirements for the planting of replacement trees.

A summary of proposed amendments is outlined below by section, and sections with no proposed changes have been omitted. Key revisions include:

Section 2. Definitions

TPAC proposes changes that update and redefine existing definitions and propose new ones to reflect current industry standards and practices and to provide clarity for the implementation of the Bylaw. The changes also serve to improve tree protection and the health of existing trees. Key changes to the definitions include:

- Adding definitions for “Arborist” and “Arborist Report”;
- Revising the definition of “Hedge”;
- Adding the definition “Imminent Failure” to better address situations where trees present a urgent risk of harm, including a revised definition of “Tree Risk Assessment Qualification” to provide clarity for the identification and assessment of hazardous trees;
- Redefining the definition for “Tree” to “Protected Tree” and reducing the diameter breast height (dbh) from 30cm to 20cm. Throughout the Bylaw a 30cm dbh has been replaced by a 20cm dbh;
- Added new definition for “Owner”;
- Revising definition for “Pruning” and adding definition “Sound Horticultural and Arboricultural Practices” to improve tree health and longevity through use of proper methods and techniques;
- Revising the definition for watercourses to “Stream” to better protect ecological habitat;
- Adding new definition “Undue Hardship” to provide a process to discern between arbitrary decisions which result in tree loss, and yet provide the flexibility to remove a tree to allow for functional site demands where alternatives are not feasible.

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Section 3. Application of Standards

TPAC recommends that in the section identifying lands to which the Bylaw does apply, that the provision for “private land used for a golf course” be removed.

Section 5. Restrictions

TPAC proposes changes to strengthen the protection of retained trees in situations where any part or the whole tree could suffer damage, by outlining the potential causes of damage, scientifically understood to contribute detrimentally to tree health or to tree mortality.

A key change is the removal of the term “drip line” and replacing it with “critical root zone”, which ensures a more consistent application of tree protection standards.

It is recommended to add a new section (s.5.4) to the Bylaw that identifies the specific circumstances where a permit to remove a protected tree may be issued. As per the proposed revisions, a protected tree may be removed only under the following circumstances:

- Where a protected tree poses a risk of imminent failure as determined by an arborist.
- Where a protected tree impairs or presents a risk or hazard to the operation of servicing infrastructure above or below ground (i.e., water, drainage, sewer, power lines) as verified by an arborist.
- Where a protected tree prevents the owner from developing, or using a lot, as verified by an arborist, in a manner permitted under the Official Community Plan.
- Where a building permitted by the Zoning Bylaw is proposed and the layout, location or shape cannot be modified without causing the owner undue hardship.
- Where a protected tree is situated on land outside the Agricultural Land Reserve but is zoned for agriculture and the application is accompanied by an arborist report, a restrictive covenant will be registered on title for a period of ten (10) years noting that the owner has agreed not to make an application for development.

It is recommended to add a new section (s.5.5) to address situations where a protected tree is in a location deemed to be inappropriate as determined and verified through an arborist report.

Section 6. Exemptions

TPAC recommends revisions to this section to improve pruning practices by ensuring that they meet sound horticultural and arboricultural practices within industry standards.

An additional provision has been provided to stop the removal of protected trees on development sites prior to the approval of: a development permit, rezoning and/or subdivision permit, which addresses the removal of the protected tree.

The exemption for trees in imminent danger (previously ‘hazard’ tree) has been removed and replaced in the new section 5.4.

The provision to allow the removal of a one (1) protected tree per parcel during a 24-month period has been removed.

Section 8. Application Requirements

TPAC recommends adding a new section whereby the General Manager or authorized representative may request further information as necessary after the submission of an arborist report, in order to facilitate more thorough analysis by staff of issues within the arborist report, including clarification of rationale for a proposed removal.

The section has been revised to remove a provision related to the removal of hazard trees, which is now covered under section 5.4(a) as trees in imminent failure.

#### Section 9. Replacement Trees

TPAC recommends adding replacement trees in two categories: (a) one replacement tree for each cut or removed tree under 30cm, and (b) two replacement trees for each cut or removed tree 31cm or larger.

A new section 9.4 has been added to provide direction for replacement trees to ensure that tree species and location are appropriate for the tree's mature height and size.

Sections 9.4 to 9.8 are recommended to require a \$500 security for each replacement tree. Securities will be released in keeping with procedures outline in the Subdivision and Development Servicing Bylaw.

A new section 9.8 is proposed to add assurances that replacement trees will be planted. In the event that replacement trees are not provided, it authorizes the Municipality to use the security to be used to complete the planting of replacement trees.

#### Section 13. Tree Cutting or Removal

TPAC recommends that section 13.1(e) be revised to align the permitted hours for tree removal with the Township's permitted hours of construction.

#### Section 14. Inspection

TPAC recommends a new section to allow inspections to confirm that replacement trees have been planted as part of the process for releasing the security.

#### Section 19. Offences and Penalties

TPAC recommends adding section 19.6 to require verification of a tree's imminent failure, if removed without a permit, and to apply for a permit and provide documentation within 24 hours.

#### Section 20. Repeal

Removal of this section is recommended for housekeeping purposes. The section was included in the initial adoption of the Bylaw to repeal the Brookwood-Fernridge Tree Protection Bylaw 2017 No. 5301 and replace it with the current bylaw.

#### Schedule A - Replacement Trees

TPAC recommends updating the reference to professional associations to reflect current association titles.

It is recommended to create a list of acceptable replacement trees based on those referenced in the Subdivision and Development Servicing Bylaw and create a reference in Schedule A directing Township residents to the Tree Protection website for access.

It is recommended to add two diagrams from the Subdivision and Development Servicing Bylaw to assist in providing illustrative planting requirements and details for replacement trees.

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### Rationale and Context

The Township policy framework rationale for the Tree Protection Bylaw is well established in science and is grounded in existing documents based on adopted Township policies, frameworks, strategies, and plans, all of which have been effected through lengthy public engagement processes, legal analyses, and have received prior Council support and endorsement.

From the Official Community Plan:

- Urban Community and Neighbourhood Design: Protect the natural environment using land use planning, urban design, and development regulations, such as retaining existing significant trees and requiring the planting of new trees (s. 2.5.17).

The Sustainability Charter has the following goals that support tree protection and tree replacement:

- Promotes the environmental goals of reducing air pollution and promoting stewardship and the planting of trees.
- Promotes the social and cultural goal of nurturing a mindset of sustainability by incorporating a sustainability mentality into the community.

The Wildlife Habitat Conservation Strategy identifies its main goals (s. 1.2) as:

- Create an environmental policy framework for the future of Langley that sets priorities for identifying, preserving and restoring natural environmentally sensitive areas including the wetlands
- Lead in promoting environmentally sound practices and education of the public
- Ensure land management processes are environmentally sensitive
- Promote community participation and stewardship programs
- Protect our water resources.

The Climate Action Strategy calls for:

- Creating resilient natural systems
- under *Green Space & Ecosystems* many of the 18 action areas relate directly to trees:
  - Complete a Tree Canopy Study/Strategy
  - Develop a tree voucher program for private properties
  - Develop a Biodiversity Conservation Strategy
  - Update preferred planting list of trees and shrubs to ensure plants can adapt to future climate conditions

From rainwater absorption, carbon sequestration, and heat mitigation to livability, cultural milestones, and community gathering sites, trees are an essential part of our future. The Tree Bylaw is one part of managing our community forests. Encouraging our residents to retain, appropriately manage, and plant new trees will contribute to stronger ecosystems and more complete communities.

### **NEXT STEPS**

TPAC recommends a Public Input Opportunity to be scheduled for Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712, subject to Council consideration.

### **FINANCIAL CONSIDERATIONS**

Given the broad changes to the Tree Protection Bylaw and the shift towards an evolving approach that is designed to enhance tree retention, the Bylaw will require administration and co-ordination of several Township departments and involve staff across a wide range of service areas. A key change to the Bylaw is the introduction of a Tree Permit review for Building Permits

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that have not resulted from a recent development application (i.e. Rezoning, Subdivision, Development Permit) and is anticipated to increase demand on staff resources.

Additional staff resources will be required for the administration of the Tree Protection Bylaw, as amended, subject to Council direction, related to matters such as clerical support for permit issuance and inquiries, certified arborist for site inspections, and officers for bylaw enforcement. To determine specific financial implications of the proposed amendments on staff resources, permit processing times, more detailed review and analysis will be necessary, including consideration of the number of building permits requiring tree protection permits, and bylaw enforcement.

It is recommended that Council refer additional staffing requests to the budget process for 2022.

**TPAC: LOOKING FORWARD**

TPAC will conclude before the end of the year by meeting after a summer break to review the *Community Forest Management Strategy* (CFMS) to be presented by Diamond Head Consulting Ltd. Further, TPAC expects to review available statistics of the revised Bylaw for possible further comments to Council. Due to the implications of the altered timelines, a number of recommendations are not included in this Bylaw or not currently appropriate for Bylaw inclusion. For these reasons, Council should expect a Final Report from TPAC to be issued to Council at the conclusion of the committee's mandate.

It is recommended that Council extend the Terms of Service for TPAC until the *Community Forest Management Strategy* is presented to Council, to allow the committee to fully engage in the analysis and review of the Strategy, as well as to present the Strategy to Council.

Respectfully submitted,

Catherine Grey  
COMMUNITY CO-CHAIR,  
TREE PROTECTION ADVISORY COMMITTEE

ATTACHMENT A	Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712
ATTACHMENT B	Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2021 No. 5713
ATTACHMENT C	Fees and Charges Bylaw 2007 No. 4616 Amendment Bylaw 2021 No. 5714
ATTACHMENT D	Tracked Changes – Tree Protection Bylaw



**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TREE PROTECTION BYLAW 2019 NO 5478**

**AMENDMENT BYLAW 2021 NO. 5712**

**EXPLANATORY NOTE**

Bylaw 2021 No. 5712 amends Tree Protection Bylaw 2019 No. 5478 by setting forth new inspection and enforcement provisions for tree conservation on private property and on land owned or in the possession of the Municipality, and to protect and enhance tree canopy coverage throughout the lifecycle of trees, by: regulating tree protection, prohibiting and penalizing damage to *protected trees*, prohibiting and penalizing the removal of *protected trees* without a permit, and regulating and imposing requirements for *protected tree* preservation, removals, and replacements through a permit process.

## THE CORPORATION OF THE TOWNSHIP OF LANGLEY

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No, 5712”.
2. The “Tree Protection Bylaw 2019 No. 5478” is amended by:
  - A. Inserting the following Definitions to Section 2. Definitions, in alphabetical order:
 

“Arborist” means a person, currently certified by the International Society of Arboriculture (ISA).

“Arborist Report” means a technical report prepared by an *Arborist*, required as a condition of this bylaw to provide any or all of the following:

    - a) surveyed location, species, size, and condition of the subject *protected tree* or *protected trees*;
    - b) the reasons for any proposed removal of a *protected tree* or *protected trees*, supported by clear photographs;
    - c) confirmation that *protected trees* proposed to be removed as *imminent failure* are submitted by an *Arborist* with *TRAQ*; and
    - d) a description of the recommended tree protection and mitigation measures for any trees being retained, including trees on neighbouring properties.

“Imminent Failure” means the failure of a *protected tree* has started and is most likely to occur in the near future, even if there is no wind or increased load. Immediate action may be required to protect people from harm.

“Owner” has the meaning set out in the *Community Charter*, and includes a strata corporation as defined in the *Strata Corporation Act*.

“Protected Tree” means:

    - a) any tree, including multi-stemmed trees, within the Township, regardless of species, having a *dbh* of 20 centimetres or more or, where measurement of the *dbh* at 1.4 metres from the ground is impossible or impractical, the *dbh* shall be measured at the natural grade of the ground;
    - b) a *replacement tree* previously planted as required by this bylaw or the Subdivision and Development Servicing Bylaw 2019 No. 5382, as amended or replaced from time to time;
    - c) a *specimen tree*;
    - d) a tree with evidence of nesting or use by:
      - i. raptors, as defined in the Wildlife Act, R.S.B.C. 1996, c. 488;
      - ii. osprey;
      - iii. heron colony; or
      - iv. a hummingbird; and
    - e) any tree, regardless of height or *dbh*, where located on land that is in the ownership or possession of the Municipality.

“Sound Horticultural and Arboricultural Practices” means planting, *pruning*, and practices as defined by *Best Practices* of the International Society of Arboriculture (ISA), and the standards put forth in the most recent edition of the “Canadian Landscape Standard as published by the CSLA/CNLA”.

“Specimen Tree” means a tree of any size which an *Arborist*, a landscape architect, or the *General Manager* deems to be of exceptional value because of its species, condition, form, age or size, but which has not been designated by Council to be a significant tree.

“Stream” includes any of the following that provides fish habitat:

- a) any fish bearing Class “A”, or non-fish bearing Class “B” and “C” watercourse based on the Township of Langley’s Watercourse Classification Map, or other current information from the Federal Department of Fisheries and Oceans, and/or the Provincial Ministry of Forest, Lands, and Natural Resources Operations;
- b) a watercourse, whether it usually contains water or not;
- c) a pond, lake, river, creek or brook; or
- d) a ditch, spring, or wetland that is connected by surface flow to something referred to in clause b) or c) of this definition.

“Tree Risk Assessment Qualification” (TRAQ) means an *Arborist* with additional training and qualified by the International Society of Arboriculture as proven proficient in basic tree risk assessment as defined in the “ISA Best Management Practices: Tree Risk Assessment”. *TRAQ* is required when an *Arborist* is identifying a *protected tree* to be removed because it is determined to be an *imminent failure*, and therefore immediate action may be required to protect people from harm.

“Undue Hardship” means the unique circumstances of the *owner*, and the hardship which has resulted from specific site and/or building characteristics, or other aspects (i.e., irregular shape, slope of the site), as opposed to those which are arbitrary in nature or generated by the owner. It is the *owner’s* responsibility to clearly state the rationale and/or basis for their application submission and to demonstrate the ‘undue hardship’ that would result from full compliance to the satisfaction of the *General Manager*.

B. Deleting the following definitions in their entirety from Section 2. Definitions.

“Drip Line”

“Hazard Tree”

“Qualified Tree Risk Assessor”

“Tree”

“Watercourse”

C. Replacing the following definitions in Section 2. Definitions in their entirety with the following words:

“Critical Root Zone” means the area of land surrounding the trunk of a *protected tree* contained within a circle of radius equal to the *dbh* of the *protected tree* multiplied by 8.

“Cutting or Removal or Cut or Remove” means to kill, remove or substantially destroy a *protected tree* by any means, including without limitation, knocking down or cutting into the *protected tree*, the topping of a *protected tree* and the cutting of any main stem or other leader or trunk.

“dbh (Diameter Breast Height)” means the diameter of the trunk of a *protected tree* measured at a point 1.4 metres above the natural grade, except where the diameter of a *protected tree* having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

“Hedge” means a row of three or more *protected trees* that are pruned and maintained for the purpose of forming a continuous dense screen for privacy, fencing, and/or boundary definition that is no more than 6 metres in height.

“Permit” means a *permit* issued by the *General Manager* under authority of this bylaw to cut or remove a *protected tree* or *protected trees*.

“Pruning” means the selective removal of branches, according to arboricultural techniques in “ISA Best Management Practices: Pruning” to improve quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

“Replacement Tree” means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 9 and Schedule “A”.

“Topping” means the removal of major portions of a tree crown by cutting branches to stubs or to the trunk or cutting of the main leader or branches, and includes re-topping of previously topped *protected trees* as defined by the International Society of Arboriculture.

“Tree Protection Barrier” means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the *critical root zone* of a *protected tree* that is to be retained as per Schedule “B”.

- D. Amending Section 3. Application of Standards by:
- a. Replacing the word ‘trees’ with the words “*protected trees*” in the first sentence, and in clause 3. f); and
  - b. Deleting clause g) private land used for a golf course; and renumbering the subsequent clauses to g) and h).

- E. Replacing the words in Section 5. Restrictions in their entirety with the following words:

5. Restrictions

- 5.1. A person must not cut or remove any *protected tree*, or cause, suffer or permit any *protected tree* to be *cut or removed*, except in accordance with the terms and conditions of a valid *permit* issued under this bylaw. Without limiting the generality of the foregoing, this section includes *replacement trees*.
- 5.2. A person must comply with the terms and conditions of a *permit* issued under this bylaw.
- 5.3. Except to the extent permitted by a *permit*, or as provided for in Section 6, a person must not damage a *protected tree* by carrying out any of the following activities:
  - a) cutting or damaging the roots of a *protected tree* growing within the *critical root zone*;
  - b) operating trucks, backhoes, excavators or other heavy equipment within the *critical root zone* of any *protected tree*;
  - c) storing or placing fill, building materials, asphalt or a building or structure on land inside the *critical root zone* of a *protected tree*;
  - d) denting, gouging, tearing, girdling, piercing or otherwise damaging the trunk or removing bark from a *protected tree*;
  - e) depositing concrete washout or other liquid or chemical substances harmful to the health of a *protected tree*, or burying garbage or debris on land inside the *critical root zone* of a *protected tree*;
  - f) adding or removing soil from inside the *critical root zone* of a *protected tree*;
  - g) blasting or burning inside the *critical root zone* of a *protected tree*;
  - h) cutting back a *protected tree*'s branches contrary to *sound horticultural and arboricultural practices* so as to significantly alter the form of the tree canopy consistent with the typical form of the species, except if the *protected tree* forms part of a *hedge*;
  - i) trenching utilities or irrigation lines, or otherwise undermining the roots of a *protected tree* growing inside the *critical root zone*; or
  - j) altering the ground water or surface water level within the *critical root zone* of a *protected tree*.
- 5.4. Not including trees in a Streamside Protection and Enhancement Area, a *permit to cut or remove a protected tree* may be issued by the *General Manager* only in the following circumstances:
  - a) Where an *Arborist* with a *Tree Risk Assessment Qualification* provides an *Arborist report* to the satisfaction of the *General Manager* that a *protected tree* is determined to be an *imminent*

*failure* and high or extreme risk to the safety of persons or property; or where the applicant's *Arborist report* has otherwise demonstrated to the satisfaction of the *General Manager* that the tree is: dead, dying, damaged, diseased or in decline beyond expectations of recovery;

- b) Where the *General Manager*, or his or her duly authorized representative, or an engineer employed by any *public utility*, or an *Arborist* certifies that in his or her opinion a tree is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, water wells, septic fields, electrical lines, poles or other similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the removal of the *protected tree*;
  - c) Where the *protected tree* prevents the *owner* of the lot on which the tree is located from developing or using a lot in a manner permitted under the Official Community Plan or Zoning Bylaw No. 2500, as amended or replaced from time to time, and the development or use cannot be modified to accommodate the *protected tree* as documented by an *Arborist report*, without causing the owner *undue hardship*, all to the satisfaction of the *General Manager*;
  - d) Where a building permitted by the Zoning Bylaw, not related to 6.1(a), or a driveway permitted by the Highway and Traffic Bylaw No. 4758, as amended or replaced from time to time, is proposed and the building or driveway layout, location, or shape cannot be modified to accommodate the tree without causing the owner undue hardship as demonstrated by the owner to the satisfaction of the *General Manager*; or
  - e) Where a *protected tree* is situated on a lot outside the Agricultural Land Reserve, which is zoned to permit agricultural use and the application is accompanied by an *Arborist report* and by a sworn declaration of the *owner* declaring that the *protected tree* is to be *cut or removed* to permit agricultural use, that the agricultural use cannot be located elsewhere on that lot so as to accommodate the *protected tree*, and where the *owner* enters into a restrictive covenant registered on the title of the lot documenting that the *owner* has agreed not to make application for development of the lot for a period of ten (10) years, and that full *replacement trees* and all other applicable provisions of this bylaw, as determined by the *General Manager*, will apply should the development application be considered for the lot within the ten (10) year period.
- 5.5. The *General Manager* may issue a *permit to cut or remove a protected tree* where the *owner* submits an *Arborist report* which documents that the *protected tree*, by virtue of its size and species, is inappropriate for its location and the reasons that it is deemed to be inappropriate for its location, all to the satisfaction of the *General Manager*. The *General Manager* shall determine the number, size, species and location of replacement trees and required securities.

- F. Replacing the words in Section 6. Exemptions in their entirety with the following words:

6. Exemptions

6.1. A *permit* is not required to *cut or remove a protected tree* where:

- a) a development permit, rezoning and/or subdivision has been approved which addresses the removal of the *protected tree*;
- b) the tree *cutting or removal* is necessary for the purposes of farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time;
- c) the tree *cutting or removal* is for the installation of roads or services shown on an engineering drawing approved by the Municipality in respect of a building permit or subdivision approval;
- d) the tree cutting or removal is carried out by the Municipality or its agents on public property;
- e) the tree *cutting or removal* is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a *public utility* or its contractors;
- f) the *cutting or removal* is of a *protected tree* less than 20 centimetres *dbh* by a British Columbia Land Surveyor when cutting survey lines of a width of less than 2 metres;
- g) the *cutting or removal* constitutes normal *pruning of protected trees*, including *pruning* by a *public utility* in accordance with *sound horticultural and arboricultural practices* or as required for the safe operation of overhead transmission lines; or
- h) the *protected tree* is less than 20 centimetres *dbh*.

6.2. A permit is not required for the pruning of a hedge.

- G. Amending Section 7. General Conditions of Permit by:

- a. Replacing the word 'tree' with the words "*protected tree*" in clauses 7.1 & 7.3; and

- H. Replacing the words in Section 8.1 in their entirety with the following words:

8.1 Every application for a *permit* shall be made in writing to the *General Manager* and shall include:

- a) a non-refundable application fee in the amount set in the Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time, unless the application is for permission to remove a *protected tree* in *imminent failure*;
- b) the following documents, plans and information relating to the proposed *cutting or removal of a protected tree*:
  - i. an *Arborist report*;

- ii. a tree cutting and replacement plan drawn to approximate scale identifying:
  - A. the boundaries of the subject *parcel*;
  - B. any abutting streets, lanes or public access rights of way;
  - C. the location of existing buildings and structures;
  - D. the location, species and *dbh* of those *protected trees* proposed to be *cut or removed*;
  - E. the location, species and *dbh* of those *protected trees* proposed to be retained and protected;
  - F. the location, species and *dbh* of proposed *replacement trees*; and
  - G. the location of significant topographic and hydrographic features and other pertinent site information;
- iii. the street location and legal description;
- iv. the consent in writing of the registered *owner* of the property, if different from the applicant, authorizing the applicant to act as the *owner's agent*;
- v. the consent in writing of the registered *owners* of the *parcels* where the base of the *protected tree* to be *cut or removed* is located;
- vi. the methods proposed for control of drainage and erosion impacts during and after the *protected tree cutting or removal*;
- vii. the proposed methods for disposal of wood waste and other debris;
- viii. the proposed methods of noise and dust control during the *protected tree cutting or removal* operation;
- ix. the proposed completion dates for *protected tree cutting or removal*;
- x. Upon submission and review of an *Arborist report*, the *General Manager*, or his or her duly authorized representative, may ask for further and specific information as deemed necessary and at their sole discretion, in order to evaluate the *Arborist report* and/or the rationale for proposed removal of any *protected tree* or *protected trees*; and
- xi. the *General Manager* shall also request, as applicable:
  - A. a report prepared by a professional engineer, professional biologist or certified *arborist* with experience in, as the circumstances require, geotechnical engineering, hydrology or tree management, certifying that the proposed *cutting or removal* of the *protected tree* will not create an adverse impact including flooding, erosion, land slip or contamination of a *stream*;



- B. where the site of the tree *cutting or removal* is on a *parcel* adjacent to or containing any part of a *stream*, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such *stream*; and
  - C. any applicable Federal or Provincial submissions for approvals, including a Bird Nesting Survey if removing *protected tree* between March 15 and August 1 as per the Wildlife Act (British Columbia) and its regulations.
- I. Replacing the words in Section 9 Replacement Trees in their entirety with the following words:

#### 9. Replacement Trees

- 9.1 For *parcels* containing a one-family dwelling, as a condition of issuing a *permit* under this bylaw, it is required that *replacement trees* be planted and maintained for each *protected tree cut or removed* on the applicant's *parcel* in accordance with the requirements of Schedule "A". The number of *replacement trees* to be planted and maintained by the *permit* holder or property owner shall be as follows:

- a) *Protected trees* with a *dbh* of 30 centimetres or less is 1 to 1,
- b) *Protected trees* with a *dbh* of 31 centimetres or greater is 2 to 1.

For tree replacements on all other *parcels*, the *General Manager*, as a condition of issuing a *permit* under this bylaw, shall require one or more *replacement trees* be planted and maintained on the applicant's *parcel* in accordance with the requirements of Schedule "A."

If a *protected tree* or *protected trees* located on any *parcel* form part of a *hedge*, the *General Manager* may require that less than one *replacement tree* be planted and maintained for each *protected tree* that is cut.

In the event that the *replacement tree* cannot, in the opinion of the *General Manager*, be accommodated on the *parcel*, the *General Manager* may require the applicant to plant the *replacement tree* on Municipal owned property in a location designated by the *General Manager*. Alternatively, a cash-in-lieu payment in an amount equivalent to 120% of the estimated cost of the *replacement tree*, including labour and installation, shall be paid to the *Municipality* to fulfil the requirements at a future date.

- 9.2 *Replacement trees* shall be planted and maintained in accordance with *sound horticultural and arboricultural practices* to the satisfaction of the *General Manager*.
- 9.3 *Replacement trees* must be planted in a space that will be appropriate for the mature height and size of the tree species being planted. Appropriate tree species may be recommended by an arborist and must

be accepted by Urban Forestry staff or the Environmental Coordinator.

- 9.4 A security deposit of \$500 shall be required for each *replacement tree*.
  - 9.5 The security deposit shall be provided in the form of cash, certified cheque, bank draft or letter of credit prior to issuance of the *permit*.
  - 9.6 Ten (10) percent of the security shall be held by the *Municipality* for a one (1) year maintenance period after the planting of *replacement trees* has been approved by the *Municipality* in accordance with inspection requirements set out in Section 14.
  - 9.7 If the *owner* fails or refuses to plant the required number, size, and type of *replacement trees* in the specified locations as per the conditions of the *permit*, the owner will have thirty (30) days after receiving written direction from the *General Manager* to do so, or the *Municipality* may use the security to either have the trees planted onto the *owner's* lot or use the securities to plant trees elsewhere on *Municipal* owned property.
- J. Amending Section 10. Permit Issuance or Refusal by replacing the word '*tree*' with the words "*protected tree*" in clause 10.2.
- K. Amending Section 12. Renewal, Extension or Modification by adding the words '*, as amended or replaced from time to time*' after the words '*No. 4616*' at the end of clause 12.1 b).
- L. Amending Section 13. Tree Cutting or Removal by:
- a. Replacing the word '*tree*' with the words "*protected tree*" in clauses 13.1 b), c), and f);
  - b. Replacing the word '*trees*' with the words "*protected trees*" in clauses 13.1 c), and d);
  - c. Replacing the word '*watercourses*' in clause 13.1 f) and g) with the word '*streams*'; and
  - d. Replacing the words in clause 13.1 e) in their entirety with the following words:
    - e) *tree cutting or removal* activities may be carried out between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays, except in the event of an *imminent failure*. No *tree cutting or removal* activities may be carried out on Sundays or statutory holidays;
- M. Amending Section 14. Inspection by:
- a. Replacing the word '*tree*' with the words "*protected tree*" in clause 14.2; and
  - b. Adding the following words after clause 14.3
- 14.4 As per Section 9, once all *replacement trees* required under a *permit* have been planted, the *owner* may request that Urban Forestry staff conduct a field review to confirm that the *replacement trees* have been provided and installed.

N. Amending Section 19. Offences and Penalties by:

- a. Replacing the word '*tree*' with the words '*protected tree*' in clause 19.2, and 19.7 b);
- b. Replacing 19.3 in its entirety with the following words:  
"Every person who violates any of the provisions of this bylaw or an offence against this bylaw:
  - a) is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000); and
  - b) may be subject to penalties specified in the "Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703" as amended from time to time per *protected tree* or *replacement tree*. Every day a violation or offence continues shall be deemed to be a new offence."
- c. Replacing the word '*tree*' with the words '*protected tree* or *replacement tree*' in the first sentence of clause 19.7; and
- d. Adding the following words after clause 19.5

19.6 A person who removes a *protected tree* as *imminent failure* without a *permit*, must provide documentation (photos, etc.) or, an *Arborist report*, within 24 hours of the date of removal, or in the case of a removal which takes place on a weekend or holiday, on the next business day after the date of removal, apply for a *permit* for such removal, and take all action necessary to obtain issuance of such tree *permit*.

O. Replacing Schedule "A" in its entirety with the following:

SCHEDULE A to BYLAW NO. 5478

Replacement Trees

Where *replacement trees* are required to be provided pursuant to this bylaw, such *replacement trees* shall be provided and planted as follows:

- 1) For *protected tree* removals not related to demolition or construction on *parcels* containing a one-family dwelling:
  - a) deciduous *replacement trees* are to be a minimum of 3 metres in height or of a minimum 6 centimetres caliper\*;
  - b) coniferous *replacement trees* are to be a minimum of 2.5 metres in height.
- 2) For *protected tree* removals for all other properties and permits related to construction, demolition, rezoning, development permits, subdivisions or building permits:
  - c) every deciduous *replacement tree* shall be of a minimum 6 centimetres caliper\*.
  - d) every coniferous *replacement tree* shall be a *protected tree* of a minimum 2.5 metres height.

- 3) Every *replacement tree* shall be spaced from existing trees and other *replacement trees* in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current CSLA/CNLA (Canadian Society of Landscape Architects/Canadian Nursery Landscape Association) Landscape Standard, and all *replacement trees* shall meet current CSLA/CNLA standards.
- 4) An accepted list of *replacement trees* is available on the Township's Tree Protection webpage ([tol.ca/treeprotection](http://tol.ca/treeprotection)).

(\*Caliper is the diameter of the trunk measured at 15 centimetres above the ground)

### Replacement Tree Planting Guidelines

#### General

1. The final location, planting, species selection and sizes shall be completed to the satisfaction of Urban Forestry. The Owner is responsible for contacting the Municipality for review of planting locations.

#### Location of Planting

2. Trees shall be spaced as noted on the drawings, unless otherwise approved by the Municipality. Trees shall be sized as noted on the drawings and no less than 3.0m in height with a minimum clear stem height of 1.8m to the lowest branch. Actual tree numbers, spacing and locations will vary according to site conditions and amenities.
3. Locations shall be identified with stakes or painted markings by the Owner. If underground obstructions are uncovered these are to be reported to the Municipality for resolution prior to planting.

Note: A tree staking review and tree inspection must be requested by the Owner prior to tree planting taking place.

4. No tree substitutions shall be permitted without the express written permission of the Municipality.

#### Location of Planting

5. Trees shall have the following minimum clearances from:
 

• Street Light Poles	6.0m
• Utility Poles	3.0m
• Edge of driveway, curb return, catchbasin or above Ground utility facility	2.0m
• Sewer and drainage service connection/fire hydrants	1.5m
• Manholes, valve boxes, water services	1.2m

- BC Hydro LPT/PMT/Vista switch vaults 2.25m

Where there is a boulevard planting strip between the back of curb and front of the sidewalk, trees shall be planted a minimum of 1.0m from back of curb and 1.0m from back of sidewalk.

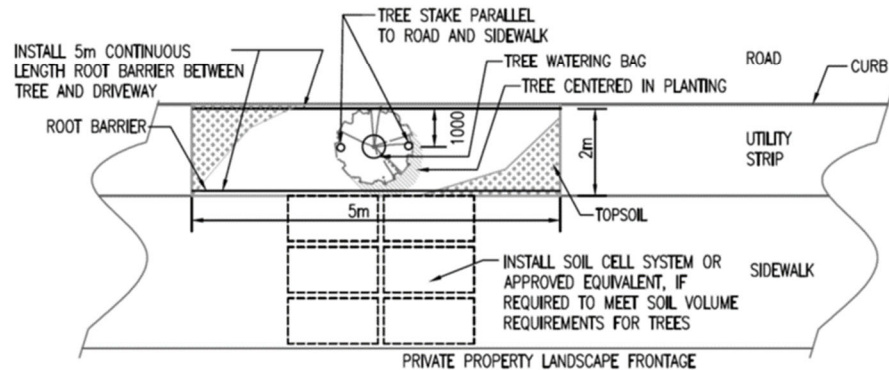
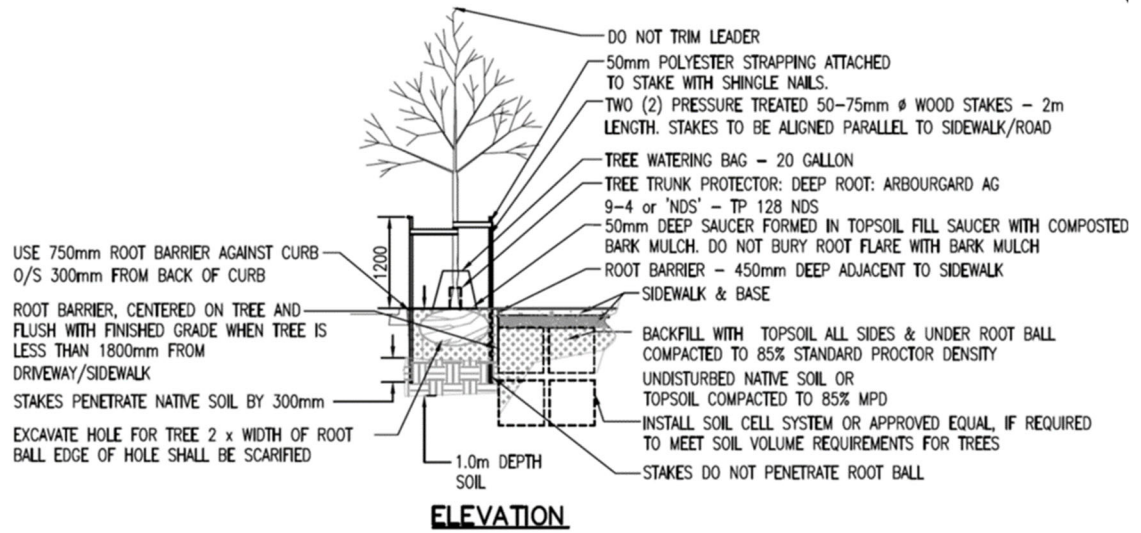
In other circumstances, trees shall be planted 1.0m from the back of the sidewalk and 2.5m from back of curb.

Trees shall be no closer to a road intersection than the projection of an 8.0m x 8.0m sight triangle

#### Location of Planting

6. All plant material shall be of good health and vigor with no visible signs of disease, insect pests, damage or other objectionable disfigurements.
7. All plant material, top soil, shipping procedures, and handling practices shall conform to the most recent CSLA/CNLA (Canadian Society of Landscape Architects/Canadian Nursery Landscape Association) Landscape Standard, and all *replacement trees* shall meet current CSLA/CNLA standards, specifications and guidelines in force at the time of installation.
8. Provide 10m<sup>3</sup> of approved growing medium per tree or approved equivalent.

## Tree Installation Detail



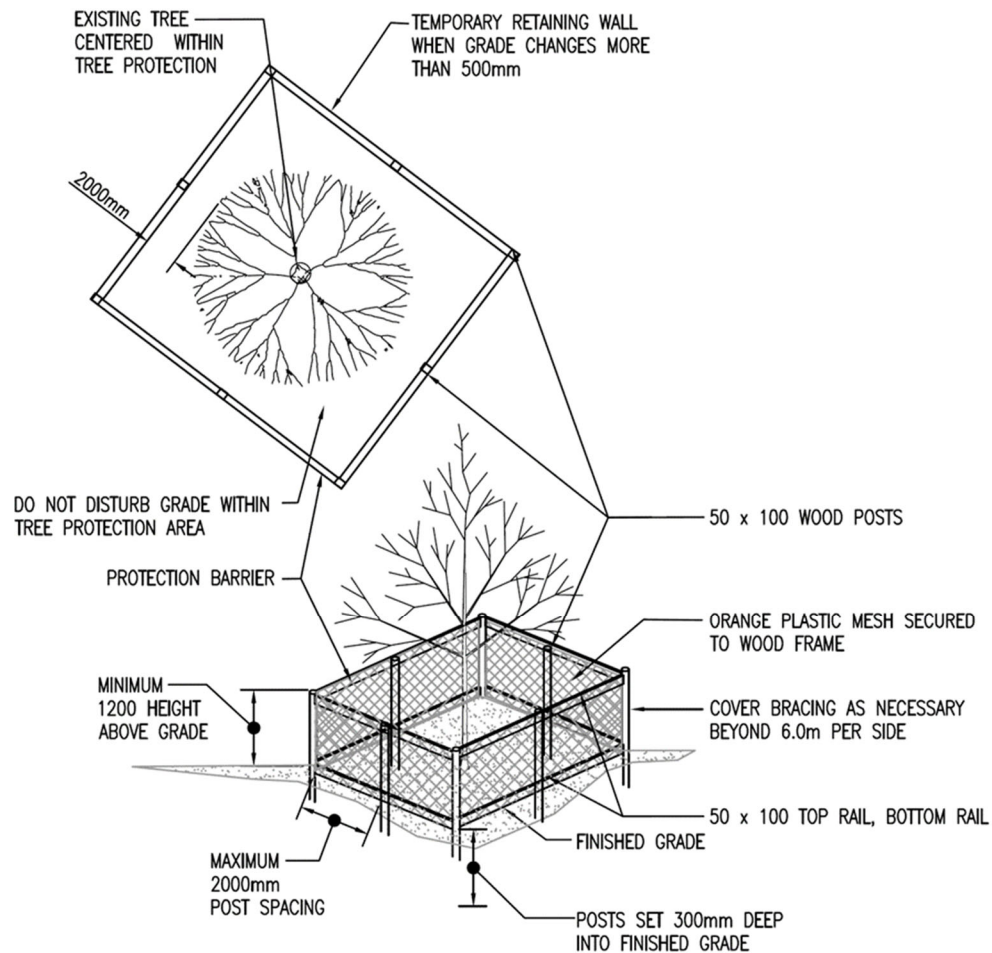
## Plan View

### Notes

1. Contact the Municipality to review planting hole excavation prior to installation of topsoil.
2. Sacking/burlap to be loosened and dropped to the bottom of the planting hole. All string, twine, etc. to be removed.
3. All wire baskets shall have the top 1/3 of the wire removed prior to planting.
4. All trees should be single stemmed.
5. All trees should be watered with waterbags for two (2) growing seasons. Tree water bags should be filled with water once every seven (7) days unless notified otherwise.
6. Provide 10m<sup>3</sup> growing medium per tree or approved equivalent.

P. Replacing Schedule "B" in its entirety with the following:

SCHEDULE B to BYLAW NO. 5478  
Tree Protection Detail



Notes

1. Install tree protection barrier before site clearing and initiation of construction.
2. Maintain tree protection barrier during clearing and site construction.
3. Keep area within or against protection barrier clear of building materials, litter and standing water.
4. Do not disturb existing grades within tree protection area for protected retained trees.
5. The Owner is responsible for maintenance within tree protection barrier. Damaged trees will be replaced at Owner's cost.
6. Tree Protection Bylaw prescribes penalties for non-compliance with bylaw.
7. Any disruption or planting within the tree protection area is to be supervised by the Municipality.
8. Retained trees to be watered to ensure tree health.

READ A FIRST TIME the	day of	, 2021
READ A SECOND TIME the	day of	, 2021
PUBLIC HEARING HELD the	day of	, 2021
READ A THIRD TIME the	day of	, 2021
ADOPTED the	day of	, 2021

_____	Mayor	_____	Township Clerk
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**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703**

**AMENDMENT BYLAW 2021 NO. 5713**

**EXPLANATORY NOTE**

Bylaw 2021 No. 5713 amends the Bylaw Notice Enforcement Bylaw 2008 No. 4703 by updating offences in relation to Tree Protection Bylaw 2019 No. 5478, Amendment Bylaw 2021 No. 5712.

## THE CORPORATION OF THE TOWNSHIP OF LANGLEY

### BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703

#### AMENDMENT BYLAW 2021 NO. 5713

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw No. 5713”.
2. The “Bylaw Notice Enforcement Bylaw 2008 No. 4703” as amended is further amended by replacing the table under Tree Protection Bylaw 2019 No. 5478 in Schedule “A” with the following:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
• Cut or remove or cause suffer or permit any protected tree to be removed without a valid permit	5.1	\$500
• Failure to comply with terms and conditions of a valid permit	5.2	\$500
• Causing physical damage to any protected tree within the critical root zone including canopy, roots and trunk	5.3	\$500
• Failure to post a valid permit in a prescribed location for 72 hours prior to protected tree cutting or removal	7.3	\$75
• Failure to plant and maintain protected trees in accordance with sound horticultural and arboricultural practices	9.2	\$500
• Failure to dispose of protected tree parts and wood waste in the prescribed manner	13.1(a)	\$500
• Failure to clearly identify in the prescribed manner a protected tree to be cut or removed	13.1(b)	\$75
• Failure to place or maintain a prescribed protection barrier around protected trees not to be cut or removed for the duration of all construction or demolition	13.1(c)	\$500

- |   |         |       |
|---|---------|-------|
| • Cutting or removing any protected tree or replacement tree before 7:00am and after 8:00pm on weekdays, before 9:00am and after 5:00pm on Saturdays, or anytime on Sundays or statutory holidays | 13.1(e) | \$250 |
| • Failure to keep streams including ditches, drains and sewers clear of tree parts and wood waste   | 13.1(g) | \$500 |
| • Failure to fence all hazards or potential hazards arising from protected tree cutting or removal  | 13.1(h) | \$250 |
| • Cutting or removing any protected tree or replacement tree beyond the prescribed area set out in a valid permit   | 13.1(i) | \$500 |
| • Failure to clearly mark or maintain the prescribed area for protected tree cutting or removal for the duration of a valid permit  | 13.1(j) | \$250 |

READ A FIRST TIME the	day of	, 2021
READ A SECOND TIME the	day of	, 2021
READ A THIRD TIME the	day of	, 2021
ADOPTED the	day of	, 2021

_____	Mayor	_____	Township Clerk
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**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**FEES AND CHARGES BYLAW 2007 NO. 4616**

**AMENDMENT BYLAW 2021 NO. 5714**

**EXPLANATORY NOTE**

Bylaw 2021 No. 5714 amends the Fees and Charges Bylaw 2007 No. 4616 by updating text relating to Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**  
**FEES AND CHARGES BYLAW 2007 NO. 4616**  
**AMENDMENT BYLAW 2021 NO. 5714**

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Fees and Charges Bylaw 2007 No. 4616 Amendment Bylaw 2021 No. 5714".
2. The "Fees and Charges Bylaw 2007 No. 4616" as amended is further amended by replacing the table in Schedule 15. Tree Protection with the following:

<b>TREE PROTECTION Fee Type</b>	<b>Description</b>	<b>Fees &amp; Charges without tax</b>
Tree Protection Application Fee	Protected tree cut or remove application fee (non-refundable)	\$150.00
Application and per tree fee to cut or remove a protected tree in imminent failure	Protected tree imminent failure application fee (with TRAQ certified Arborist Report)	No Fee
Permit to cut or remove protected tree(s)	Protected tree cut or remove fee (per tree)	\$100.00
Renewal, extension or modification of an issued permit	Protected tree cut or remove permit renewal, extension or modification fee (per tree)	\$100.00
Replacement Tree Security Deposit	Security Deposit for tree replacement (per tree)	\$500.00

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2021  
 READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2021  
 READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2021  
 ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_ Mayor \_\_\_\_\_ Township Clerk

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TREE PROTECTION BYLAW 2019 NO. 5478

EXPLANATORY NOTE

Bylaw 2019 No. 5478 is to ~~regulate, prohibit and impose requirements for tree cutting and tree protection~~ set forth inspection and enforcement provisions for tree conservation on private property and on land owned or in the possession of the **Municipality**, and to protect and enhance tree canopy coverage throughout the entire lifecycle of trees, by: regulating tree protection, prohibiting and penalizing damage to **protected trees**, prohibiting and penalizing the removal of **protected trees** without a **permit**, and regulating and imposing requirements for **protected tree** preservation, removals, and replacements through a **permit** process.

## THE CORPORATION OF THE TOWNSHIP OF LANGLEY

### TREE PROTECTION BYLAW 2019 NO. 5478

WHEREAS the Community Charter, S.B.C. 2003 c. 26 authorizes **Council** to regulate, prohibit or impose requirements in relation to Trees;

AND WHEREAS **Council** deems it desirable to regulate, prohibit, and impose requirements for tree cutting and tree protection;

NOW THEREFORE, the **Council** of the Corporation of the Township of Langley in Open Meeting Assembled, ENACTS AS FOLLOWS:

#### 1. Title

This Bylaw may be cited for all purposes as “Tree Protection Bylaw 2019 No. 5478.”

#### 2. Definitions

For the purpose of this Bylaw the following words have the following meanings:

**“Arborist”** means a person, currently certified by the International Society of Arboriculture (ISA).

**“Arborist Report”** means a technical report prepared by an **arborist**, which shall include the following:

- a) Information relevant to the purpose for which the report is to be submitted to the **Municipality**, including, but not limited to, surveyed location, species, size, and condition of the subject **protected tree** or **protected trees**;
- b) The reasons for any proposed removal of a **protected tree** or **protected trees**. **Protected trees** are only approved for removal if they are: dead, dying, damaged, diseased or in decline beyond expectations of recovery, in **imminent failure**, or have unresolvable conflicts with buildings or utilities;
- c) **Protected trees** proposed to be removed as **imminent failure** must be deemed as such by an **arborist** with **TRAQ**;
- d) Clear photographs of the **protected trees**, illustrating reason for proposed removal;
- e) Description of the recommended tree protection and mitigation measures for any trees being retained, including trees on neighbouring properties.

**“Council”** means the municipal Council of the Township of Langley.

**“Critical Root Zone”** means the area of land surrounding the trunk of a **protected tree** contained within a circle of radius equal to the **dbh** of the **protected tree** multiplied by 8.

**“Cutting or Removal or Cut or Remove”** means to kill, remove or substantially destroy a **protected tree** by any means, including without limitation, knocking down or cutting into the **protected tree**, the **topping** of a **protected tree** and the cutting of any main stem or other leader or trunk.

**“DBH or dbh (Diameter Breast Height)”** means the diameter of the trunk of a **protected tree** measured at a point 1.4 metres above the natural grade, except where

the diameter of a **protected tree** having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

**“General Manager”** means the individual appointed to be the General Manager of the Engineering and Community Development Division or a person duly authorized to carry out the powers and duties of the General Manager of Community Development.

~~“Drip Line” means a circle on the ground around the trunk of a tree, the radius of which is the distance between the outermost twigs of the tree and the centre point of the trunk, or its vertical extension.~~

~~“Hazard Tree” means a tree identified in writing by a qualified tree risk assessor as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall resulting in a risk of personal injury or property damage.~~

**“Hedge”** means a row of three or more **protected trees** that are pruned and maintained for the purpose of forming a continuous dense screen for privacy, fencing, and/or boundary definition that is no more than 6 metres in height and spaced less than 2m apart through growth and pruning forms a continuous dense screen of vegetation from ground level that provides privacy, fencing, wind breaking, and/or boundary definition.

**“Highway”** includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property.

**“Imminent Failure”** means the failure of a **protected tree** has started and is most likely to occur in the near future, even if there is no wind or increased load. Immediate action may be required to protect people from harm.

**“Municipality”** means the Corporation of the Township of Langley.

**“Owner”** has the meaning set out in the *Community Charter*, and includes a strata corporation as defined in the *Strata Corporation Act*.

**“Parcel”** means any lot, block or other area in which land is held or into which land is subdivided but does not include a **highway**.

**“Permit”** means a permit issued by the **General Manager** under authority of this bylaw to **cut or remove** a **protected tree** or **protected trees**.

**“Protected Tree”** means:

- a) any tree, including multi-stemmed trees, within the Township, regardless of species, having a **dbh** of 20 centimetres or more or, where measurement of the **dbh** at 1.4 metres from the ground is impossible or impractical, the **dbh** shall be measured at the natural grade of the ground;
- b) a **“Replacement Tree”** previously planted as required by this bylaw or the Subdivision and Development Servicing Bylaw 2019 No. 5382, as amended or replaced from time to time;
- c) **“Specimen Tree”** means a tree of any size which an **arborist**, a landscape architect, or the **General Manager** deems to be of exceptional value because of its species, condition, form, age or size.
- d) a tree with evidence of nesting or use by:
  - i. raptors as defined in the Wildlife Act, R.S.B.C. 1996, c. 488,



- ii. osprey,
- iii. heron colony, or
- iv. a tree with evidence of nesting by a hummingbird;
- e) any tree, regardless of height or **dbh**, where located on land that is in the ownership or possession of the **Municipality**;
- f) any tree, regardless of height or **dbh**, where located on land in a designated Streamside Protection and Enhancement Development Permit Area or SPEA as defined by Schedule 3 (“Development Permit Areas: Streamside Protection and Enhancement”) of the Langley Official Community Plan Bylaw 1979 No. 1842.

**“Pruning”** means the selective removal of branches, according to arboricultural techniques in “ISA Best Management Practices: Pruning” to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

**“Public Utility”** means the **Municipality**, B.C. Hydro Authority, Telus, FortisBC, and any other utility company or its contractors providing a public service or utility.

~~**“Qualified Tree Risk Assessor”** means a Certified Arborist with additional current training and certification in tree risk assessment, certified by the International Society of Arboriculture.~~

**“Replacement Tree”** means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 9 and Schedule “A”. ~~Accepted replacement tree species are identified in the Subdivision and Development Servicing Bylaw No. 4861, Schedule I, Appendix B, Section 5.~~

**“Sound Horticultural and Arboricultural Practices”** means planting, **pruning**, and practices as defined by *Best Practices* of the International Society of Arboriculture (ISA), and the standards put forth in the most recent edition of the *Canadian Landscape Standard* as published by the CSLA/CNLA.

**“Specimen Tree”** means a tree of any size which an arborist, a landscape architect, or the General Manager deems to be of exceptional value because of its species, condition, form, age or size but which has not been designated by Council to be a significant tree.

**“Stream”** includes any of the following that provides fish habitat:

- a) any “Fish Bearing” Class “A”, or “Non-Fish Bearing”, ‘Class ‘B’ and “C” watercourse based on the Township of Langley’s Watercourse Classification Map, or other current information from the Federal Department of Fisheries and Oceans, and/or the Provincial Ministry of Forest, Lands, and Natural Resources Operations;
- b) a watercourse, whether it usually contains water or not;
- c) a pond, lake, river, creek or brook;
- d) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (b) or (c).

The **General Manager** will ask for further environmental site evaluation by a Qualified Professional, in order to satisfy Township policies and procedures related to environmental sustainability goals and climate change mitigation policies.

**“Topping”** means the removal of major portions of a tree crown by cutting branches to stubs or to the trunk or cutting of the main leader or branches, and includes re-topping of previously topped **protected trees** as defined by the International Society of Arboriculture.

**“Tree”** means:

- ~~a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that has a *dbh* of at least 30 centimetres;~~
- ~~b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or *dbh*, where located on land within Streamside Protection and Enhancement Development Permit Areas, as defined in Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (2013 Official Community Plan) Bylaw 2013 No. 5000, as amended from time to time; or~~
- ~~c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or *dbh*, where located on land that is in the ownership or possession of the Municipality.~~

**“Tree Protection Barrier”** means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the ~~drip line or~~ **critical root zone** of a **protected tree** that is to be retained **as per Schedule “B”**.

**“Tree Retention Area”** means those areas within the Municipal boundary of the Township of Langley.

**“Tree Risk Assessment Qualification” (TRAQ)** means an **arborist** with additional training and qualified by the International Society of Arboriculture as proven proficient in basic tree risk assessment as defined in the “ISA Best Management Practices: Tree Risk Assessment”. **TRAQ** is required when an **arborist** is identifying a **protected tree** to be removed because it is determined to be an **imminent failure** and therefore, immediate action may be required to protect people from harm.

**“Undue Hardship”** means the unique circumstances of the **owner**, and the hardship which has resulted from specific site and/or building characteristics, or other aspects (i.e., irregular shape, slope of the site), as opposed to those which are arbitrary in nature or generated by the **owner**. It is the **owner’s** responsibility to clearly state the rationale and/or basis for their application submission and to demonstrate the “undue hardship” that would result from full compliance to the satisfaction of the **General Manager**, or his or her duly authorized representative.

~~**“Watercourse”** means a channel through which water flows at any time of the year and includes a brook, river, stream, creek, lake, pond and any other body of water running through or situated partially or fully within the Municipality.~~

### 3. Application of Standards

Except as otherwise set out in this bylaw, the standards and requirements for property prescribed in this bylaw apply to **protected trees** which are:

- a) On land owned or in the possession of the **Municipality**;
- b) On a privately-owned **parcel** of land in the **Municipality**;
- c) within a development permit area;
- d) within a **tree retention area**; or

- e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.

This bylaw does not apply to:

- f) private land used for the production or cutting of **protected trees** under a valid, existing licence for a tree farm, nursery or Christmas trees; or  
~~g) private land used for a golf course;~~
- g) ~~h)~~ land that is currently designated as Agricultural Land Reserve as defined under the Agricultural Land Commission Act; or
- h) ~~i)~~ land that is subject of a development application.

#### 4. Schedule and Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

This Bylaw is cited as "Tree Protection Bylaw No. 5478".

### RESTRICTIONS AND EXEMPTIONS

#### 5. Restrictions

- 5.1. A person must not **cut or remove** any **protected tree**, or cause, suffer or permit any **protected tree** to be **cut or removed**, except in accordance with the terms and conditions of a valid **permit** issued under this bylaw. Without limiting the generality of the foregoing, this section includes **replacement trees**.
- 5.2. A person must comply with the terms and conditions of a **permit** issued under this bylaw.
- 5.3. Except to the extent permitted by a **permit**, or as provided for in section 6 a person must not damage a **protected tree** by carrying out any of the following activities:
  - a) cutting or damaging the roots of a **protected tree** growing within the ~~drip-line~~ **critical root zone**;
  - b) operating trucks, backhoes, excavators or other heavy equipment ~~over the roots of a~~ within the **critical root zone** of any **protected tree** ~~growing inside the drip line~~;
  - c) ~~storing or~~ placing fill, building materials, asphalt or a building or structure on land inside the ~~drip-line~~ **critical root zone** of a **protected tree**;
  - d) denting, gouging, ~~tearing, girdling, piercing~~ or ~~otherwise~~ damaging the trunk ~~or removing bark of~~ from a **protected tree**;
  - ~~e) removing bark from a tree;~~
  - e) ~~f)~~ depositing concrete washout or other liquid or chemical substances harmful to the health of a **protected tree**, ~~or burying garbage or debris~~ on land inside the ~~drip-line~~ **critical root zone** of a **protected tree**;
  - f) ~~g)~~ adding or removing soil from inside the ~~drip-line~~ **critical root zone** of a **protected tree**;

- g) ~~h)~~ blasting or burning inside the ~~drip-line~~ **critical root zone** of a **protected tree**;
- h) ~~i)~~ cutting back ~~the top portion of~~ a **protected tree's** branches contrary to **sound horticultural and arboricultural practices** so as to significantly alter ~~its normal~~ the form of the tree canopy consistent with the typical form of the species, except if the **protected tree** forms part of a **hedge**;
- i) ~~j)~~ trenching utilities or irrigation lines, or otherwise undermining the roots of a **protected tree** growing inside the ~~drip-line~~ **critical root zone**; ~~or~~
- j) ~~k)~~ altering the ground water or surface water level within the ~~drip-line~~ **critical root zone** of a **protected tree**.

5.4. Not including trees in a Streamside Protection and Enhancement Area, a **permit to cut or remove a protected tree** may be issued by the **General Manager** only in the following circumstances:

- a) Where an **arborist** with a **Tree Risk Assessment Qualification** provides an **arborist report** to the satisfaction of the **General Manager** that a **protected tree** is determined to be an **imminent failure** and high or extreme risk to the safety of persons or property; or where the applicant's **arborist report** has otherwise demonstrated to the satisfaction of the **General Manager** that the tree is: dead, dying, damaged, diseased or in decline beyond expectations of recovery;
- b) Where the **General Manager**, or his or her duly authorized representative, or an engineer employed by any **public utility**, or an **arborist** certifies that in his or her opinion a tree is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, water wells, septic fields, electrical lines, poles or other similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the removal of the **protected tree**;
- c) Where the **protected tree** prevents the **owner** of the lot on which the tree is located from developing or using a lot in a manner permitted under the Official Community Plan or Zoning Bylaw No. 2500, as amended or replaced from time to time, and the development or use cannot be modified to accommodate the **protected tree** as documented by an **arborist report**, without causing the **owner undue hardship**, all to the satisfaction of the **General Manager**;
- d) Where a building permitted by the Zoning Bylaw, not related to 6.1(a), including the driveway or a driveway permitted by the Highway and Traffic Bylaw No. 4758, as amended or replaced from time to time is proposed and the building layout, location, or shape cannot be modified to accommodate the tree without causing the **owner undue hardship** as demonstrated by the **owner** to the satisfaction of the **General Manager**; or
- e) Where a **protected tree** is situated on a lot outside the Agricultural Land Reserve, which is zoned to permit agricultural use and the application is accompanied by an **arborist report** and by a sworn declaration of the **owner** declaring that the **protected tree** is to be **cut or removed** to permit agricultural use, that the agricultural use cannot be located elsewhere on that lot so as to accommodate the **protected tree**, and where the **owner** enters into a restrictive covenant registered on the title of the lot documenting that the **owner** has agreed not to make application for development of the lot for a period of ten (10) years, and that full **replacement trees** and all other applicable provisions of this bylaw, as determined by the **General Manager**, will apply should the

development application be considered for the lot within the ten (10) year period.

- 5.5. The **General Manager** may issue a **permit** to **cut or remove a protected tree** where the **owner** submits an **arborist report** which documents that the **protected tree**, by virtue of its size and species, is inappropriate for its location and the reasons that it is deemed to be inappropriate for its location, all to the satisfaction of the **General Manager**. The **General Manager** shall determine the number, size, species and location of **replacement trees** and required securities.

## 6. Exemptions

- 6.1. A **permit** is not required to **cut or remove a protected tree** where:

- a) a development permit, rezoning and/or subdivision has been approved which addresses the removal of the **protected tree**;
- b) the **tree cutting or removal** is necessary for the purposes of farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time;
- c) the **tree cutting or removal** is for the installation of roads or services shown on an engineering drawing approved by the **Municipality** in respect of a building permit or subdivision approval;
- ~~d) a tree must be cut or removed on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property;~~
- d) ~~e)~~ the **tree cutting or removal** is carried out by the **Municipality** or its agents on public property;
- e) ~~f)~~ the **tree cutting or removal** is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a **public utility** or its contractors;
- f) ~~g)~~ the **cutting or removal** is of a **protected tree** less than ~~30~~ 20 centimetres **dbh** by a British Columbia Land Surveyor when cutting survey lines of a width of less than ~~two (2)~~ 2 metres;
- g) ~~h)~~ the **cutting or removal** constitutes normal **pruning** of **protected trees**, including **pruning** by a **public utility** in accordance with **sound horticultural and arboricultural practices** or as required for the safe operation of overhead transmission lines; **or**
- h) ~~i)~~ the **protected tree** is less than ~~30~~ 20 centimetres **dbh**; ~~or~~.  
~~j) it is required for the siting of a building, driveway, septic field, or water well as approved by the Municipality in conjunction with a building permit.~~

- ~~6.2. A permit is required but the permit fee and an arborist report are not required to cut or remove one (1) protected tree per parcel during a 24-month period from the date of the last permit issued.~~

- ~~6.3.~~ 6.2 A **permit** is not required for the **pruning** of a **hedge**.

## PERMIT APPLICATION PROCESS

### 7. General Conditions of Permit

- 7.1. A **permit** for the **cutting or removal** of any **protected tree** to which this bylaw applies shall be in the form issued by the **General Manager**.
- 7.2. A **permit** issued under this bylaw is non-transferable.
- 7.3. The **permit** shall be displayed in an accessible and visible location on the **parcel** to which it pertains no less than 72 hours prior to and during **protected tree cutting or removal** operations.

### 8. Application Requirements

- 8.1. Every application for a **permit** shall be made in writing to the **General Manager** and shall include:
  - a) a non-refundable application fee in the amount set from time to time in the Fees and Charges Bylaw 2007 No. 4616, **as amended or replaced from time to time**, unless the application is for permission to remove a ~~hazard tree~~ **protected tree in imminent failure** ~~or one protected tree under section 6.2, in which case there shall be no fee;~~
  - b) the following documents, plans and information relating to the proposed **cutting or removal** of a **protected tree**:
    - i. ~~a statement of purpose and rationale for the proposed tree cutting or removal;~~ **an arborist report;**
    - ii. a tree cutting and replacement plan drawn to approximate scale identifying:
      - A. the boundaries of the subject **parcel**;
      - B. any abutting streets, lanes or public access rights of way;
      - C. the location of existing buildings and structures;
      - D. the location, species and **dbh** of those **protected trees** proposed to be **cut or removed**;
      - E. the location, species and **dbh** of those **protected trees** proposed to be retained and protected;
      - F. the location, species and **dbh** of proposed **replacement trees**;
      - G. the location of significant topographic and hydrographic features and other pertinent site information;
    - iii. the street location and legal description;
    - iv. the consent in writing of the registered **owner** of the property, if different from the applicant, authorizing the applicant to act as the **owner agent**;
    - v. the consent in writing of the registered **owners** of the **parcels** where the base of the **protected tree** to be **cut or removed** is located;
    - vi. the methods proposed for control of drainage and erosion impacts during and after the **protected tree cutting or removal**;
    - vii. the proposed methods for disposal of wood waste and other debris;



- viii. the proposed methods of noise and dust control during the **protected tree cutting or removal** operation;
- ix. the proposed completion dates for **protected tree cutting or removal**;
- x. Upon submission and review of an **arborist report**, the **General Manager**, or his or her duly authorized representative, may ask for further and specific information as deemed necessary and at their sole discretion, in order to evaluate the **arborist report** and/or the rationale for proposed removal of any **protected tree or protected trees**;
- xi. ~~if required by~~ the **General Manager** shall also request, as applicable:
  - A. a report prepared by a professional engineer, professional biologist or certified **arborist** with experience in, as the circumstances require, geotechnical engineering, hydrology or tree management, certifying that the proposed **cutting or removal of the protected tree** will not create an adverse impact including flooding, erosion, land slip or contamination of a ~~watercourse~~ **stream**;
  - B. where the site of the tree **cutting or removal** is on a **parcel** adjacent to or containing any part of a ~~watercourse~~ **stream**, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such ~~watercourse~~ **stream**; and
  - ~~C. where the tree cutting or removal is for a hazard tree, a report prepared by a certified tree risk assessor certifying that the tree is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property; and~~
  - C. any applicable Federal or Provincial submissions for approvals, including a Bird Nesting Survey if removing **protected tree** between March 15 and August 1 as per the Wildlife Act (British Columbia) and its regulations.
- ~~xii. such further and other information as the General Manager determines is necessary, such as an arborist report prepared by a Qualified Tree Risk Assessor, to adequately describe the nature and extent of the tree cutting or removal operation.~~

## 9. Replacement Trees

- 9.1. For **parcels** containing a one-family dwelling as a condition of issuing a **permit** under this bylaw it is required that ~~one~~ **replacement trees** be planted and maintained for each tree **cut or removed** on the applicant's **parcel** in accordance with the requirements of Schedule "A". **The number of replacement trees to be planted and maintained by the permit holder or property owner shall be as follows:**
  - a) **Protected trees with a dbh of 30 centimetres or less is 1 to 1,**
  - b) **Protected trees with a dbh of 31 centimetres or greater is 2 to 1.**

For tree replacements on all other **parcels**, the **General Manager**, as a condition of issuing a **permit** under this bylaw, shall require one or more **replacement trees** be planted and maintained on the applicant's **parcel** in accordance with the requirements of Schedule "A."

If a **protected tree** or **protected trees** located on any **parcel** form part of a **hedge**, the **General Manager** may require that less than one **replacement tree** be planted and maintained for each **protected tree** that is cut.

In the event that the **replacement tree** cannot, in the opinion of the **General Manager**, be accommodated on the **parcel**, the **General Manager** may require the applicant to plant the **replacement tree** on Municipal owned property in a location designated by the **General Manager**. Alternatively, a cash-in-lieu payment in an amount equivalent to 120% of the estimated cost of the **replacement tree**, including labour and installation, shall be paid to the **Municipality** to fulfil the requirements at a future date.

- 9.2. **Replacement trees** shall be planted and maintained in accordance with **sound horticultural and arboricultural practices** to the satisfaction of the **General Manager**.

~~9.3. Replacement trees are not required for tree cutting or removal permitted under section 6.2. or for the cutting or removal of a hazard tree~~

- 9.3. **Replacement trees** must be planted in a space that will be appropriate for the mature height and size of the tree species being planted. Appropriate tree species may be recommended by an **arborist** and must be accepted by Urban Forestry staff or the Environmental Coordinator.
- 9.4. A security of \$500 shall be required for each **replacement tree**.
- 9.5. The security shall be provided in the form of cash, certified cheque, bank draft or letter of credit prior to issuance of the **permit**.
- 9.6. Ten (10) percent of the security shall be held by the **Municipality** for a one (1) year maintenance period after the planting of **replacement trees** has been approved by the **Municipality** in accordance with inspection requirements set out in Section 14.
- 9.7. If the **owner** fails or refuses to plant the required number, size, and type of **replacement trees** in the specified locations as per the conditions of the **permit**, the **owner** will have thirty (30) days after receiving written direction from the **General Manager** to do so, or the **Municipality** may use the security to either have the trees planted onto the **owner's** lot or use the securities to plant trees elsewhere on Municipal owned property.

## 10. Permit Issuance or Refusal

- 10.1. The **General Manager** may issue a **permit** if:
- a) an application for a **permit** complies with the requirements of this bylaw; and
  - b) the proposed tree **cutting or removal** complies with this bylaw and all other applicable Municipal bylaws.
- 10.2. The **General Manager** may refuse to issue a **permit** if the proposed **protected tree cutting or removal** is within a **tree retention area**.

## 11. Expiry

- 11.1. Every **permit** shall expire 12 months from the date of issue or upon such earlier date as may be specified in the **permit**.

## 12. Renewal, Extension or Modification

- 12.1. If the tree **cutting or removal** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or the tree cutting and replacement plan



submitted for a **permit**, the **General Manager** may renew, extend or modify the **permit** upon written request of the **permit** holder, subject to the following:

- a) a **permit** holder has no vested right to receive an extension, renewal or modification and the **General Manager** may require that a new **permit** be obtained;
- b) the **permit** holder shall pay a non-refundable fee in the amount set from time to time in the Fees and Charges Bylaw 2007 No. 4616, **as amended or replaced from time to time**;
- c) the **General Manager** may not renew or extend a **permit** for a period of more than two years from the date of issuance of the original **permit**;
- d) the **General Manager** may require that the **permit** holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- e) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

## REGULATIONS

### 13. Tree Cutting or Removal

13.1. Every **cutting or removal** of a **tree** shall comply with, and every **permit** issued under this bylaw is subject to, the observance or fulfilment of the following requirements, restrictions and regulations, to the satisfaction and approval of the **General Manager**:

- a) tree parts and wood waste shall be properly disposed of by chipping or removal from site in accordance with all applicable Municipal bylaws and Provincial regulations;
- b) each **protected tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;
- c) a **tree protection barrier**, as shown on Schedule "B", shall be placed around any **protected tree** or **protected trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root system are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
- d) precautions shall be taken to ensure that **protected trees** which are not to be **cut or removed** are not subject to any of the damaging activities prohibited by subsection 5.3;
- e) ~~no~~ tree **cutting or removal** activities may be carried out between the hours of ~~6:00 p.m. and 8:00 a.m.~~ **7:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays.** ~~the following day~~, except in the event of ~~a hazardous tree~~ an **imminent failure**. No tree **cutting or removal** activities may be carried out on Sundays or statutory holidays;
- f) all damage to drainage facilities, ~~watercourses~~, **streams**, **highways** or other public or private property arising from the removal of a **protected tree** shall be promptly and properly repaired to the satisfaction of the **General Manager** at

the expense of the **permit** holder, failing which the **Municipality** may undertake the necessary repairs and invoice the **permit** holder for immediate payment;

- g) all **watercourses** **streams**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all wood waste arising from or caused by the tree **cutting or removal** operations;
- h) all hazards or potential hazards arising from the tree **cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
- i) tree **cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and
- j) tree **cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

13.2. The **General Manager** may issue a **permit** subject to the observance or fulfilment of any additional conditions specified in the **permit** which in the opinion of the **General Manager** are necessary to achieve the purposes of this bylaw.

## ADMINISTRATION

### 14. Inspection

- 14.1. The **General Manager** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** issued under this bylaw are being observed.
- 14.2. The **General Manager** may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any **protected trees** to which this bylaw applies, including an assessment of the location, size, species and condition of such **trees**, in the following circumstances:
  - a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;
  - b) when **replacement trees** have been planted as required by this bylaw; or
  - c) when an application for a **permit** to carry out tree **cutting or removal** operations has been made under this bylaw.
- 14.3. No person shall prevent or obstruct or attempt to prevent or obstruct the **General Manager** or designate from entering upon lands as authorized by subsections 14.1 and 14.2.
- 14.4. As per Section 9, once all **replacement trees** required under a **permit** have been planted, the **owner** may request that Urban Forestry staff conduct a field review to confirm that the **replacement trees** have been provided and installed.

### 15. Notice of Non-compliance

- 15.1. The **General Manager** may give notice, in the form established in Schedule "C", to any person of a breach of, or non-compliance with, any of the provisions of this

bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all tree **cutting or removal** activities until such breach or non-compliance is remedied to the satisfaction of the **General Manager**, and every **owner** of land shall refuse to suffer or permit further tree **cutting or removal** operations upon the **owner's** land until such time as the breach or non-compliance is remedied to the satisfaction of the **General Manager**.

## 16. Failure to Remedy Non-compliance

- 16.1. In the event that a person having received notice under Section 15 fails within the time specified therein to remedy such breach, the **Municipality** or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the **owner** of the lands in the same manner as municipal taxes.

## 17. Suspension or Cancellation of Permit

- 17.1. Without limiting the application of Part 19 (Offences and Penalties), if:
- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
  - b) a **permit** was issued under this bylaw on the basis of statements made in the **permit** application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;
- the **General Manager** may:
- i. suspend in whole or in part the rights of the **permit** holder under the **permit**;
  - ii. cancel the **permit**; or
  - iii. amend or attach new conditions to a **permit** with the consent of the **permit** holder.

## 18. Right of Reconsideration

- 18.1. Where an applicant or **owner** of property is subject to a requirement or a decision made by the **General Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or **owner** may apply to the Municipal **Council** for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.
- 18.2. An application for reconsideration must be delivered in writing to the Municipal Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the **General Manager** is inappropriate and what, if any, requirement or decision the applicant or **owner** considers the **Council** ought to substitute.
- 18.3. At the meeting of **Council**, **Council** may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **General Manager** or substitute its own requirement or decision.

## OFFENCES AND PENALTIES

- 19.1. Any person who contravenes or violates any provision of this bylaw or of any **permit** issued under this bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, including a bylaw notice issued pursuant to the Bylaw Notice Enforcement Bylaw 2008, No. 4703, as amended **or replaced** from time to time, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 19.2. Where one or more **protected trees** or **replacement trees** is **cut or removed** or damaged, other than as authorized by this bylaw, or more than one **protected tree** is not replaced or maintained in accordance with a **permit** issued under this bylaw, a separate offence is committed in respect of each such **protected tree** or **replacement tree**.
- 19.3. Every person who violates any of the provisions of this bylaw or an offence against this bylaw:
- is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000); and
  - may be subject to penalties specified in the "Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703" as amended from time to time per **protected tree or replacement tree**. Every day a violation or offence continues shall be deemed to be a new offence.
- 19.4. In addition to the penalties imposed under section 19.3, by order of the court, a person convicted of an offence under this bylaw may be directed to:
- not do any act or engage in any activity that may result in the continuation or repetition of the offence;
  - pay the costs incurred by the **Municipality** in investigating and prosecuting the offence;
  - pay compensation to the **Municipality** for any damage or loss sustained by the **Municipality** because of the commission of the offence to a maximum of \$25,000 or higher monetary limit as may be specified under the Small Claims Act in force at the time of the offence; **or**
  - take any action the court considers appropriate to remedy any harm that resulted from the commission of the offence.

- 19.5. Pursuant to section 19.4 (d) the **Municipality** may seek an order directing a person convicted of an offence under this bylaw to complete an education or training program for instruction in appropriate care and management of trees to a standard established by a provincial, national or international body for professional arboriculture, landscaping, or nursery practice.
- 19.6. A person who removes a **protected tree as imminent failure** must provide documentation (photos, etc.) or, an **arborist report**, within 24 hours of the date of removal, or in the case of a removal which takes place on a weekend or holiday, on the next business day after the date of removal, apply for a **permit** for such removal, and take all action necessary to obtain issuance of such tree **permit**.
- 19.7. In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any **protected tree or replacement tree** to be cut, removed, or damaged in contravention of this bylaw or in violation of any term or condition of a **permit** issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the **General Manager**, shall:
- submit for the **General Manager's** approval a tree cutting and replacement plan in accordance with the requirements of Schedule "A", specifying the location and species of all **replacement trees**; and
  - plant and maintain on the same **parcel** in accordance with the approved tree cutting and replacement plan a minimum of two (2) **replacement trees** for each **protected tree** unlawfully cut, removed or damaged and in the event the **General Manager** determines it is not feasible or practical to replace the trees on the same **parcel**, the **replacement trees** shall be planted on Municipal land in a location designated by the **General Manager**, or alternatively, a cash-in-lieu payment in an amount equivalent to 120% of the estimated cost of the **replacement tree**, including labour and installation, shall be paid to the **Municipality** to fulfil the requirements at a future date.

## 20. Repeal

~~20.1. Brookwood Fernridge Tree Protection Bylaw 2017 No. 5301 is hereby repealed.~~

READ A FIRST TIME the	27th	day of	May	, 2019
READ A SECOND TIME the	27th	day of	May	, 2019
PUBLIC INPUT OPPORTUNITY	10th	day of	June	, 2019
READ A THIRD TIME the	24th	day of	June	, 2019
RECONSIDERED AND ADOPTED the		day of		, 2019

\_\_\_\_\_ Mayor \_\_\_\_\_ Township Clerk

## SCHEDULE A to BYLAW NO. 5478

### Replacement Trees

Where **replacement trees** are required to be provided pursuant to this bylaw, such **replacement trees** shall be provided and planted as follows:

- 1) For **protected tree** removals not related to demolition or construction on **parcels** containing a one-family dwelling:
  - a) deciduous **replacement trees** are to be a minimum of 3 ~~m~~ metres in height or of a minimum 6 ~~cm~~ centimetres caliper\*;
  - b) coniferous **replacement trees** are to be a minimum of 2.5 ~~m~~ metres in height.
- 2) For **protected tree** removals for all other properties and permits related to construction, demolition, rezoning, development permits, subdivisions or building permits:
  - a) ~~every~~ every deciduous **replacement tree** shall be of a minimum 6 ~~cm~~ centimetres caliper\*.
  - b) ~~every~~ every coniferous **replacement tree** shall be a **protected tree** of a minimum 2.5 ~~m~~ metres height.
- 3) Every **replacement tree** shall be spaced from existing trees and other **replacement trees** in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current ~~BCSLA (British Columbia Society of Landscape Architects) or BCLNA (British Columbia Landscape & Nursery Association) Landscape Standards, and all replacement trees shall meet current BCSLA or BCLNA standards~~ **CSLA/CNLA (Canadian Society of Landscape Architects/Canadian Nursery Landscape Association) Landscape Standard, and all replacement trees shall meet current CSLA/CNLA standards.**
- 4) An accepted list of **replacement trees** is available on the Township's Tree Protection webpage.

(\*Caliper is the diameter of the trunk measured at 15 ~~cm~~ centimetres above the ground)

## SCHEDULE A to BYLAW NO. 5478, continued

### Replacement Tree Planting Guidelines

#### GENERAL

1. THE FINAL LOCATION, PLANTING, SPECIES SELECTION AND SIZES SHALL BE COMPLETED TO THE SATISFACTION OF URBAN FORESTRY. THE OWNER IS RESPONSIBLE FOR CONTACTING URBAN FORESTRY STAFF FOR REVIEW OF PLANTING LOCATIONS AND OF THE STREET TREE STAKING LOCATIONS - PRIOR TO PLANTING.

#### LOCATION OF PLANTING

2. TREES SHALL BE SPACED AS NOTED ON THE DRAWINGS, UNLESS OTHERWISE APPROVED BY URBAN FORESTRY. TREES SHALL BE SIZED AS NOTED ON THE DRAWINGS AND NO LESS THAN 3.0m IN HEIGHT WITH A MINIMUM CLEAR STEM HEIGHT OF 1.8m TO THE LOWEST BRANCH. ACTUAL TREE NUMBERS, SPACING AND LOCATIONS WILL VARY ACCORDING TO SITE CONDITIONS AND AMENITIES.
3. LOCATIONS SHALL BE IDENTIFIED WITH STAKES OR PAINTED MARKINGS BY THE OWNER. IF UNDERGROUND OBSTRUCTIONS ARE UNCOVERED THESE ARE TO BE REPORTED TO THE LANDSCAPE ARCHITECT FOR RESOLUTION PRIOR TO PLANTING. NOTE: A TREE STAKING REVIEW AND TREE INSPECTION MUST BE REQUESTED BY THE DEVELOPER/CONTRACTOR PRIOR TO TREE PLANTING TAKING PLACE. CONTACT GREEN INFRASTRUCTURE SERVICES STAFF TO SCHEDULE THE REVIEW.
4. NO TREE SUBSTITUTIONS SHALL BE PERMITTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE T.O.L. URBAN FORESTRY.

#### MINIMUM TREE PLANTING CLEARANCES

5. TREES SHALL HAVE THE FOLLOWING MINIMUM CLEARANCES FROM:
 

• STREET LIGHT POLES	6.0m
• UTILITY POLES	3.0m
• EDGE OF DRIVEWAY, CURB RETURN, CATCHBASIN OR ABOVE GROUND UTILITY FACILITY	2.0m
• SEWER AND DRAINAGE SERVICE CONNECTION/FIRE HYDRANTS	1.5m
• MANHOLES, VALVE BOXES, WATER SERVICES	1.2m
• BCH LPT/PMT/VISTA SWITCH VAULTS	2.25m


WHERE THERE IS A BOULEVARD PLANTING STRIP BETWEEN THE BACK OF CURB AND FRONT OF THE SIDEWALK, TREES SHALL BE PLANTED A MIN. OF 1.0m FROM BACK OF CURB AND 1.0m FROM BACK OF SIDEWALK

IN OTHER CIRCUMSTANCES TREES SHALL BE PLANTED 1.0m FROM THE BACK OF THE SIDEWALK AND 2.5m FROM BACK OF CURB.

TREES SHALL BE NO CLOSER TO A ROAD INTERSECTION THAN THE PROJECTION OF AN 8.0m x 8.0m SIGHT TRIANGLE.

#### CONDITION

6. ALL PLANT MATERIAL SHALL BE OF GOOD HEALTH AND VIGOR WITH NO VISIBLE SIGNS OF DISEASE, INSECT PESTS, DAMAGE OR OTHER OBJECTIONABLE DISFIGUREMENTS.
7. ALL PLANT MATERIAL, TOP SOIL, SHIPPING PROCEDURES AND HANDLING PRACTICES SHALL CONFORM TO THE MOST RECENT BC LANDSCAPE STANDARDS, SPECIFICATIONS AND GUIDELINES IN FORCE AT THE TIME OF INSTALLATION AND SHALL MEET ALL MINIMUM CRITERIA OF THE SUBDIVISION AND DEVELOPMENT SERVICING BYLAW.
8. PROVIDE 10m<sup>3</sup> OF APPROVED GROWING MEDIUM PER TREE OR APPROVED EQUIVALENT.

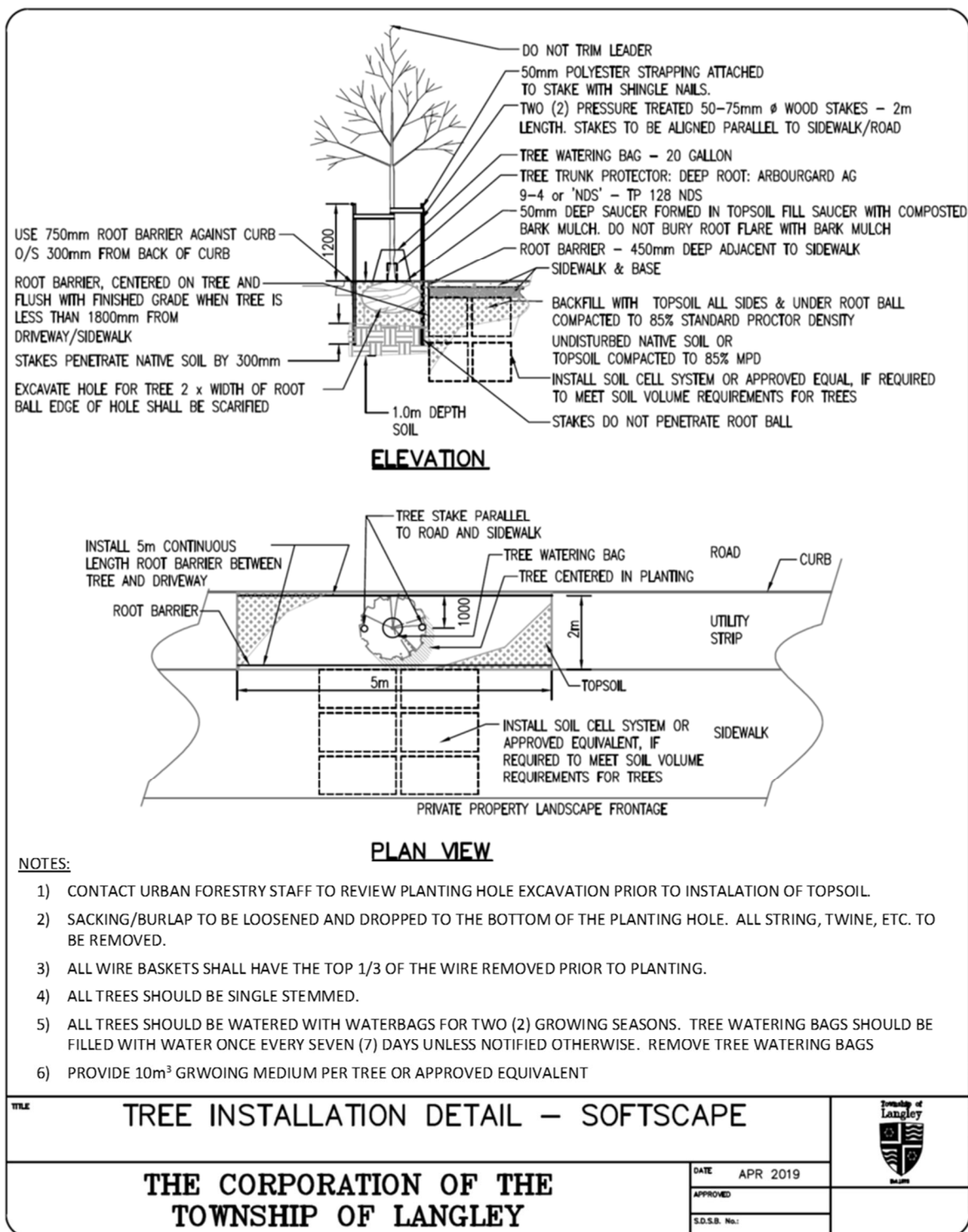
TITLE	<b>TREE PLANTING NOTES</b>							
<b>THE CORPORATION OF THE TOWNSHIP OF LANGLEY</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">DATE</td> <td style="padding: 2px;">APR 2019</td> </tr> <tr> <td style="padding: 2px;">APPROVED</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">S.D.S.B. No.:</td> <td style="padding: 2px;"></td> </tr> </table>	DATE	APR 2019	APPROVED		S.D.S.B. No.:	
DATE	APR 2019							
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S.D.S.B. No.:								

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 dated: 04/11/19 22:09



## SCHEDULE A to BYLAW NO. 5478, continued

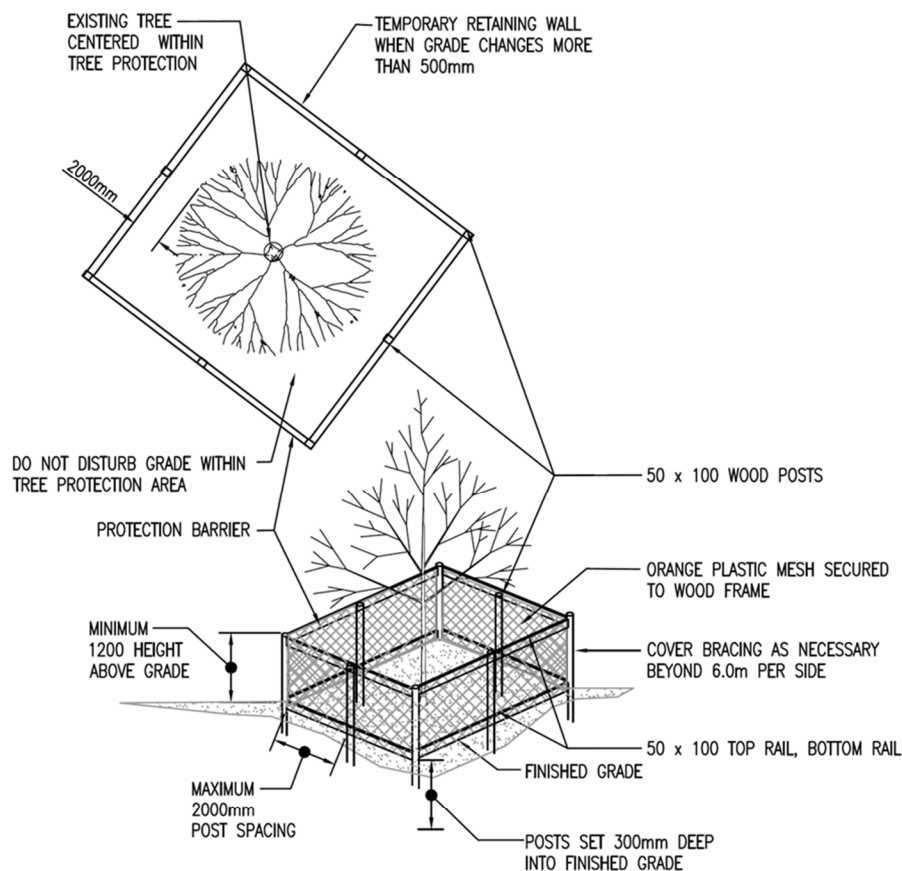
## Replacement Tree Planting Guidelines






SCHEDULE B to BYLAW NO. 5478

TLP-29 Tree Protection Detail



NOTES:

- 1) INSTALL TREE PROTECTION BARRIER BEFORE SITE CLEARING AND INITIATION OF CONSTRUCTION.
- 2) MAINTAIN TREE PROTECTION BARRIER DURING CLEARING AND SITE CONSTRUCTION.
- 3) KEEP AREA WITHIN OR AGAINST PROTECTION BARRIER CLEAR OF BUILDING MATERIALS, LITTER AND STANDING WATER.
- 4) DO NOT DISTURB EXISTING GRADES WITHIN TREE PROTECTION AREA FOR PROTECTED RETAINED TREES.
- 5) THE OWNER IS RESPONSIBLE FOR MAINTENANCE WITHIN TREE PROTECTION BARRIER. DAMAGED TREES WILL BE REPLACED AT OWNER' COST.
- 6) TREE PROTECTION BYLAW PRESCRIBES PENALTIES FOR NON-COMPLIANCE WITH BYLAW.
- 7) ANY DISRUPTION OR PLANTING WITHIN THE TREE PROTECTION AREA IS TO BE SUPERVISED BY THE URBAN FORESTRY.
- 8) RETAINED TREES TO BE WATERED TO ENSURE TREE HEALTH.

TITLE		TREE PROTECTION DETAIL				
<b>THE CORPORATION OF THE TOWNSHIP OF LANGLEY</b>					DATE	APR 2019
					APPROVED	
					S.D.S.B. No.:	

G:\Information Systems\GIS\Projects\2018 supplementary GIS  
 dated Sept 10/27/2018

**SCHEDULE C to BYLAW NO. 5478**

**NOTICE OF NON-COMPLIANCE  
and  
STOP WORK ORDER**

**YOU ARE HEREBY NOTIFIED** that the Township of Langley considers activity on this property to be in breach of its ***Tree Protection Bylaw Number 5478***,

**AND ALL PERSONS SHALL IMMEDIATELY CEASE** the following activity on this property:

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EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST THE SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

Persons affected by this Order may seek further information at the Bylaws Department, Township of Langley Civic Facility at 20338 - 65 Ave, Langley, British Columbia V2Y 3J1.

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ADDRESS of PROPERTY

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DATE

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GENERAL MANAGER

NO PERSON MAY REMOVE REVERSE, ALTER, DEFACE, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION BY THE TOWNSHIP OF LANGLEY.