

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

Error! Reference source not found.

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).

(*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.

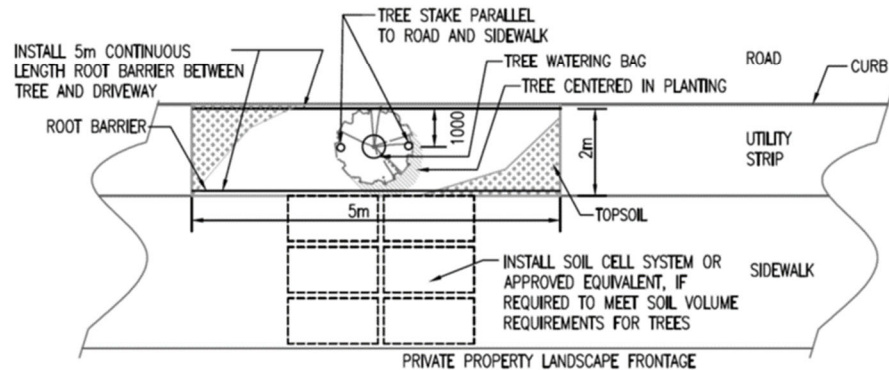
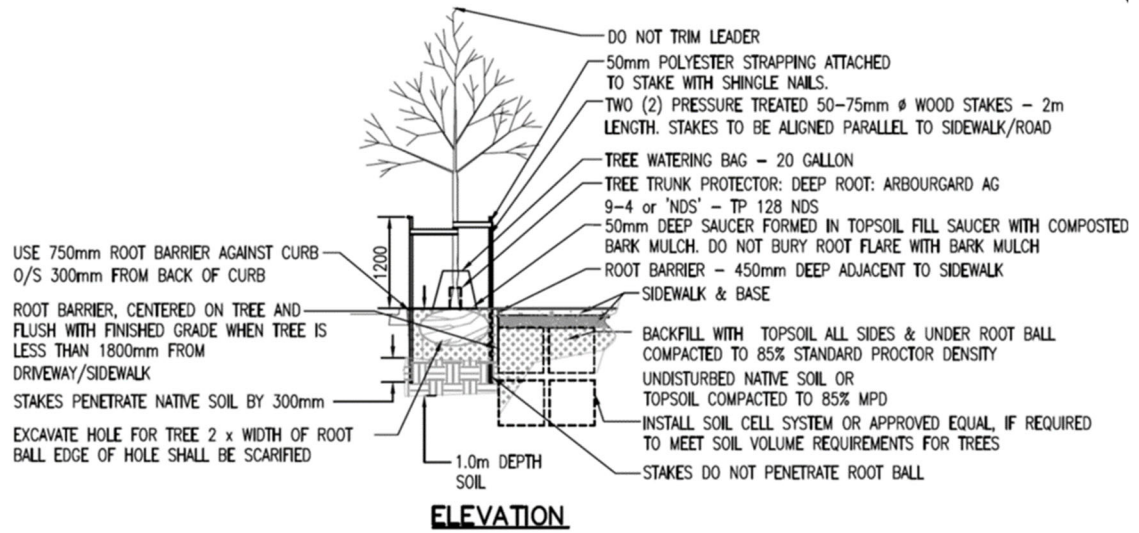
In other circumstances, trees shall be planted 1.0m from the back of the sidewalk and 2.5m from back of curb.

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 10m³ of approved growing medium per tree or approved equivalent.

Tree Installation Detail



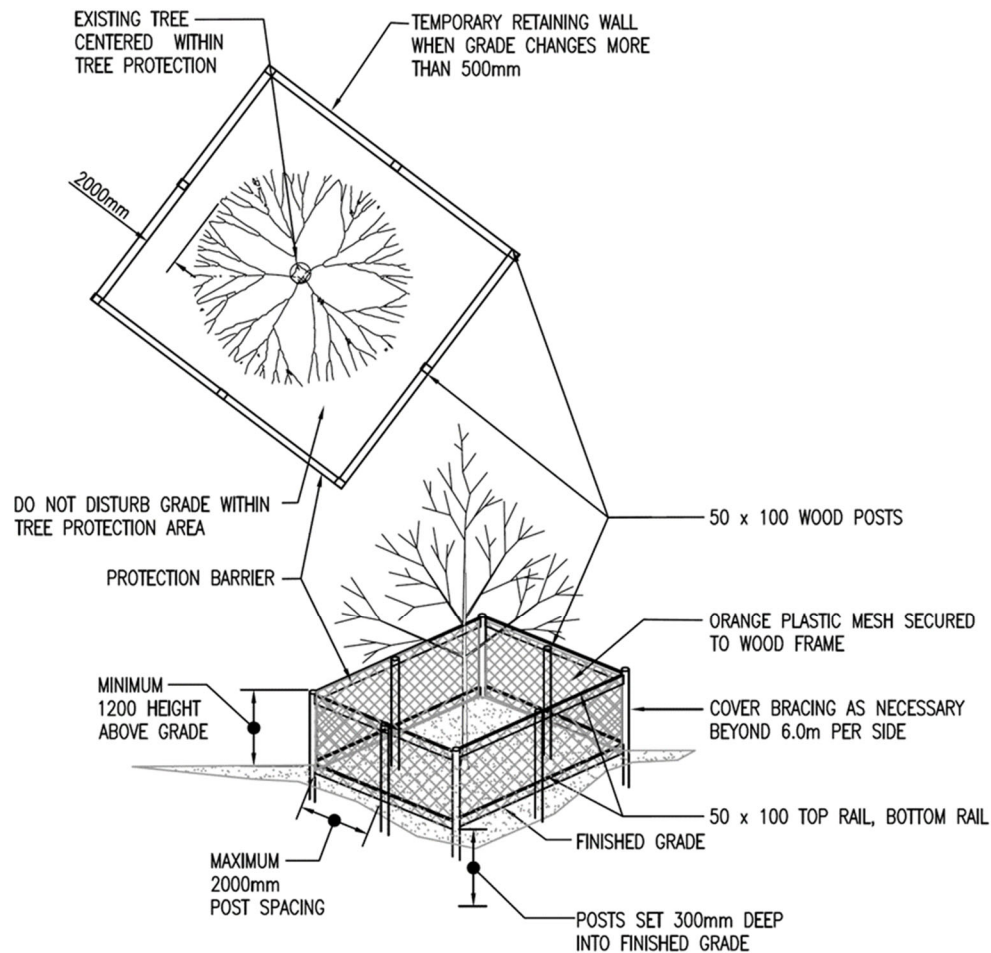
Plan View

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 10m³ 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	12	day of	July	, 2021
READ A SECOND TIME the	12	day of	July	, 2021
READ A THIRD TIME the	12	day of	July	, 2021
ADOPTED the		day of		, 2021

_____	Mayor	_____	Township Clerk
-------	-------	-------	----------------

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 12 day of July , 2021
 READ A SECOND TIME the 12 day of July , 2021
 READ A THIRD TIME the 12 day of July , 2021
 ADOPTED the day of , 2021

 Mayor _____ Township Clerk

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:

TREE PROTECTION Fee Type	Description	Fees & Charges without tax
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 12 day of July , 2021
 READ A SECOND TIME the 12 day of July , 2021
 READ A THIRD TIME the 12 day of July , 2021
 ADOPTED the day of , 2021

_____ Mayor _____ Township Clerk



REPORT TO MAYOR AND COUNCIL

PRESENTED: JULY 12, 2021 - REGULAR MEETING
FROM: ENGINEERING AND COMMUNITY DEVELOPMENT
SUBJECT: TREE PROTECTION BYLAW UPDATE

REPORT: 21-89
FILE: 6300-01

RECOMMENDATION:

That Council receive the Tree Protection Bylaw Update Report for information and direct staff to proceed with a public input opportunity, prior to Council's consideration of proposed amendments.

EXECUTIVE SUMMARY:

Tree and canopy protection were identified as one of the strategic priorities of Council early in 2019. Subsequently, in July 2019 Council adopted Tree Protection Bylaw 2019 No.5478 (the Bylaw) and in September 2019 appointed a Tree Protection Advisory Committee (TPAC) to conduct a one-year review of the Bylaw and help prepare for a Community Forest Management Strategy (CFMS). At its meeting on October 26, 2020, Council received a staff report with the one-year review of the Bylaw and proposed amendments based on the lessons learned. Council referred the recommended amendments to TPAC for consideration and next steps.

TPAC held its inaugural meeting in October 2020 and reviewed the Bylaw over several months. At its meeting on June 8, 2021, TPAC authorized the community co-chair to make a presentation to Council with recommendations for additional bylaw amendments. At its meeting on June 14, 2021, Council received the presentation from TPAC and referred the recommendations to staff for a review of the implications of the additional recommended bylaw amendments. Finally, at its last meeting on June 28, 2021, Council directed staff to prioritize and take all reasonable steps necessary to provide Council with this report at the July 12, 2021 Council meeting.

Some of the major proposed amendments recommended by TPAC relate to: definition of a significant tree by changing it from the current 30 cm to a proposed 20 cm diameter at breast height (dbh); enhanced restrictions, allowing for the removal of a tree only as verified by an arborist and in specified situations; adding a layer of review to other (e.g. building permit) processes; and other administrative revisions to eliminate the provision to remove a tree during a 24-month period without a permit fee and arborist report.

As directed by Council, staff have reviewed the implications of the recommended amendments, which can be broadly characterized as administrative and financial. The proposed revisions are anticipated to result in an increase in the number of applications, staff resource requirements and other associated procedural amendments. It is anticipated that the proposed revisions would necessitate a minimum of two (2) additional technical and one (1) additional clerical support staff.

The proposed amendments are also anticipated to increase the workload for other related departments, including Bylaw Enforcement and Permits, License and Inspection Services.

However, it is not possible to determine the increase at this point due to the lack of clarity around exact impacts. Rather, should the amendments be adopted by Council, it is recommended that the increased volume of work be monitored and reported to Council upon the one-year anniversary of adoption.

PURPOSE:

This report is provided in response to Council direction and aims to provide information regarding the implications of the recommendations by TPAC to amend the Tree Protection Bylaw.

BACKGROUND/HISTORY:

In January 2019, Council identified tree and canopy protection as one of its key strategic priorities. At its Regular Evening Meeting on April 15, 2019, Council resolved to:

- Request staff to bring forward a Tree Protection Bylaw;
- Develop a Tree Canopy Protection Standard (or Community Forest Management Strategy) for the Township; and
- Appoint a Tree Protection Advisory Committee to conduct a one-year review of the bylaw and assist with the preparation of the Community Forest Management Strategy.

Council adopted Tree Protection Bylaw 2019 No. 5478 (the Bylaw) in July 2019 and appointed a Tree Protection Advisory Committee (TPAC) in September 2020. TPAC held its inaugural meeting on October 29, 2020. The committee has met 10 times since and devoted a significant amount of time and energy to review the Bylaw.

At the Regular Meeting on June 14, 2021, Catherine Grey, Community Co-Chair of TPAC, presented a report on proposed changes to the Bylaw and recommended Council give initial readings of an amendment bylaw to the Bylaw and consider a Public Input Opportunity to solicit written feedback from the larger community, limited by prevailing public health guidance. Council referred the matter to staff for a report on the implications of the proposed changes.

The process to develop the Community Forest Management Strategy commenced in mid-2019, with a presentation of an assessment report on the Township's Community Forest Canopy at the Regular Meeting of Council on October 7, 2019. The strategic process is ongoing and is expected to conclude by the end of 2021.

At its June 8, 2021 meeting, TPAC recommended Council extend the term of service of the committee to allow for active participation, review, and presentation of the Community Forest Management Strategy to Council. This recommendation appeared under the "Minutes of Committees" section at the June 28, 2021 Council Meeting.

At its June 28, 2021 Meeting, Council adopted the following resolution:

"Therefore be it resolved that staff be directed that the Report to Council is the priority project and take all reasonable steps necessary to provide Council with the directed report at the July 12, 2021 Regular Council Meeting;" and

"Should the Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712 receive First, Second, and Third reading on July 12, 2021, staff be directed to provide a Written Public Input Opportunity with submissions provided to Council prior to the next scheduled Regular Meeting of Council on July 26, 2021 so that Council may deliberate on the amendment bylaw prior to July 31, 2021."

DISCUSSION / ANALYSIS:

The proposed changes to the Bylaw represent a prescriptive approach to tree management and provide staff with the regulatory authority to prevent the potential indiscriminate removal of trees on private property. The following sections identify the major changes to the Bylaw, the best tree management practices from across the region, and the anticipated implications resulting from the proposed changes.

Major Recommended Changes

The major changes recommended by TPAC are summarized below. A copy of the Bylaw with tracked changes identifying the revisions previously put forward by staff as well as those recommended by TPAC is provided as Attachment A for ease of reference.

- Reduce the threshold size of a protected (significant) tree from 30 cm to 20 cm diameter breast height (dbh);
- Enhance restrictions (section 5.4) allowing for the removal of a protected tree as verified by an arborist only in the following situations:
 - If a tree poses a risk of imminent failure;
 - If a tree poses a risk or hazard to the operation of servicing infrastructure above or below ground (i.e. water, drainage, sewer, power lines);
 - If a tree prevents a property owner from developing or using a lot in a manner permitted under the Official Community Plan or Zoning Bylaw;
 - 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; and
 - 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 10 years noting that the owner has agreed not to make an application for development;
- Flexibility to remove trees that are unsuited to their location due to size or species as verified through an arborist report;
- Revised replacement tree ratio by adding two (2) categories: (a) one (1) replacement tree for each cut or removed tree under 30 cm dbh, and (b) two (2) replacement trees for each cut or removed tree 31 cm dbh or larger;
- The provision to allow removal of one (1) protected tree per parcel during a 24-month period has been removed; and
- Security of \$500 per replacement tree.

Best Management Practices

In May 2021, Metro Vancouver released a Tree Regulations Toolkit, which provides guidance on regulatory tools to help preserve trees and increase tree canopy cover. The Toolkit provides a comprehensive approach with a focus on higher-level plans, tools regulating land use, and tools regulating trees such as tree bylaws. The section on tree bylaws provides detailed information on key bylaw components and their purpose, best practices and alternative approaches based on community context. Key components include:

- defining the size of trees to be protected;
- tree protection zones;
- pruning best management practices;
- damaging activities;
- hazard trees;
- conflict trees;
- replacement tree ratios; and
- cash-in-lieu options for replacement trees.

The proposed amendments to the Bylaw adhere to the components noted above as well as to the Toolkits recommended components including a tree species list, securities for replacement trees, fencing measures, notification and markings, and enforcement measures.

The proposed revisions align with the International Society of Arboriculture (ISA) best practices, where arborists are required to be ISA certified and Tree Risk Assessment Qualified (TRAQ) and must adhere to sound arboricultural practices. Also, the proposed revisions are consistent with the best horticultural practices of Canadian Nursery Landscape Association (CNLA) and Canadian Landscape Standard (CLS).

The Real Estate Board of Greater Vancouver (REBGV) has published a summary of tree protection bylaws across Metro Vancouver and surrounding municipalities (Attachment B). Highlights from the summary include:

- 15 out of 19 (79%) municipalities have a protected tree threshold size of 20 cm dbh or less;
- 14 out of 19 (74%) have protective measures and definitions for significant trees;
- 18 out of 19 (95%) require a tree plan or written report to accompany permit application;
- 16 out of 19 (84%) require a security deposit for replacement trees; and
- 8 out of 19 (42%) require replacement trees at a ratio of 2:1 or greater.

The REBGV Fact Sheet has been summarized and added to a table comparing the Township's current and proposed Bylaws with Abbotsford and Surrey tree protection bylaws (see Attachment C). A notable exception is the Surrey threshold size of a protected tree at 30 cm dbh.

In addition, on June 1, 2021, the City of Vancouver provided a 12-month suspension of parts of its development and building review processes with a component being temporary suspension of parts of its Protection of Trees Bylaw as an attempt to enable low risk applications to be processed faster, as well as reduce further growth of backlogs. Key items include:

- Limit when an arborist report is required (negligible impact on trees);
- Allow greater flexibility with trees that conflict with accessory buildings (40 permits per year impacting 40 trees); and
- Increase the threshold size for tree protection from a diameter of less than 20 cm to 30 cm (170 permits per year impacting 200 trees, with no requirement for replacement trees).

Vancouver estimates that the suspension would impact approximately 240 trees in a 12-month period. The temporary suspension would result in potential savings of two to eight (2-8) weeks in processing time for approximately 265 permits in the same 12-month period. It was noted by Vancouver staff that to prevent future backlogs more effort is required prior to the adoption of new policies to assess implementation implications that result from the layering of complex regulatory process.

Staff note that the District of North Vancouver is currently reviewing its bylaw in response to items and issues that appear to be similar in nature to those of the Township's. In contrast, the City of Vancouver recently suspended certain requirements in their tree protection bylaw on a temporary basis due to lack of sufficient resources resulting in lengthy delays to process tree removal applications. The City of Vancouver is also looking at increasing the size from 20 cm in diameter to 30 cm in diameter, amongst other items as detailed in this report.

Administrative and Financial Implications

The proposed changes to the Bylaw have the intent of protecting healthy trees in the Township and allowing staff the ability to deny tree removal applications. The transition to a more prescriptive and regulatory Bylaw is expected to have significant administrative and financial implications, not all of which can be accurately anticipate at this stage.

With the above in mind, staff have identified the following key areas that would have the greatest impact:

- Reducing the threshold size of a protected tree from 30 cm to 20 cm dbh would result in more tree removal applications. While the increase in tree removal applications will be unknown, the proposed tree size does not align with the definition of a significant tree in the Township's Subdivision and Development Servicing Bylaw, which may result in lack of clarity. It is estimated that permit applications will exceed 600 under the current bylaw in 2021.
- The proposed revisions to Section 5.4 of the Bylaw would introduce more prescriptive measures that would require staff time to implement, specifically in both the approval and denial of tree removal applications. This section defines the specific circumstances allowing for the removal of a protected tree and would require increased staff to assess and review each application.
 - Protected tree removals in building permit applications would require review and a tree removal permit where the tree(s) conflict exists within the building envelope. The current Bylaw exempts building permits from requiring tree removal permits. The proposed revisions would add additional workload for staff reviewing building permit applications.
- Bylaw enforcement is anticipated to increase as the public becomes aware of the stronger regulatory measures, and in recognition that some tree removals will knowingly disrespect the Bylaw.

The proposed Bylaw amendments would provide staff with the ability to reject tree removal applications, and would provide allowances for protected trees to be removed only under the following specified conditions:

- "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;
- Imminent failure and high or extreme risk to the safety of persons or property; or if an arborist report has demonstrated to the satisfaction of the General Manager that the tree is: dead, dying, damaged, diseased or in decline beyond expectations of recovery;
- Where a protected tree by virtue of its size and species is deemed inappropriate for its location;
- Approved development permit, rezoning, and/or subdivision;
- ALR and farm operations not in the ALR under the Right to Farm Act;
- Trees under 20 cm dbh; or
- Removals carried out by the municipality or its agents.

The following table provides a comparison of the dedicated staff who administer tree protection bylaws in various communities compared:

Municipality	Approx. No. of Permit Applications / Year	Arborist Staff Dedicated to Administering the Bylaw
Abbotsford	600	1.5
Richmond	600	3
Surrey	1200	8
Township of Langley	600	1

In 2021, Council approved a full-time arborist position to help offset current workload. With that the Trails and Urban Forestry section of the Parks Operations Department will include three (3) arborists, responsible for the administration, inspection and enforcement of the Tree Bylaw as well as other tasks, including the administration of the street tree program, trails, boulevards and green spaces. This staff complement will meet current demand for operations and administration of the Bylaw, amongst other departmental responsibilities, and will help reduce current application review times and inspections.

With the proposed revisions staff anticipate a further increase in applications and workload due to the reduction of the tree size, review of building applications, detailed application reviews, bylaw infractions, and disputes over denial of tree removals. All of these factors will again slow the review process and increase wait times without the addition of two (2) full-time arborists and one (1) clerical support staff, which would bring the arborist staffing levels in line with those of the City of Richmond. One (1) additional vehicle will be required for the additional arborist complement in the department.

The proposed Bylaw amendments are anticipated to result in administrative and procedural impacts in other departments, including the Permits, License and Inspection Services Department, due to the added layer of approval to the typical Building Permit process.

While the exact impact could not be determined at this time, the proposed changes would exacerbate the current Building Permit backlog without additional resources. Should the recommended bylaw changes be ultimately adopted by Council, staff will monitor the remainder of 2021 and submit a request for additional resources if needed in the 2022 budget for Council's consideration.

Decreasing the size of protected trees (30 cm to 20 cm dbh) would increase the workload for the Bylaws Department as they are the first point of contact for the public and respond to calls for service regarding unauthorized tree removals.

Similar to the Township's current Bylaw, the City of Abbotsford administers a permissive bylaw with one and a half (1.5) staff members dedicated to its administration, averaging 8-10 weeks for application reviews. In contrast, the City of Surrey administers a more prescriptive bylaw with a higher ratio of dedicated staff per permit application received.

Public Input

TPAC has recommended a public input opportunity to solicit written submissions for the proposed changes to the Bylaw, which is consistent with the safety protocols that the Township has put in place for public input opportunities generally. Council, at its meeting on June 28, 2021, supported the requirement for a written public input opportunity prior to the scheduled July 26, 2021 meeting of Council should the proposed Bylaw amendments presented by TPAC be granted initial readings on July 12, 2021.

Alternatively, it is recommended that staff be directed to provide for public input prior to the Council's consideration of initial readings of the proposed bylaw amendments to ensure broader public input is considered and incorporated as part of any amendments moving forward. Should Council endorse this approach of obtaining feedback prior to any bylaw readings, it will be beneficial to provide for a comprehensive and multi-faceted public engagement strategy that will occur over a period of several weeks to ensure maximum outreach, projected until September 2021.

Having said that, should there be a concern with respect to the anticipated public engagement timelines, Council could pass a resolution to institute a moratorium on issuing tree cutting permits on a temporary basis until the public engagement process has concluded and the proposed bylaw amendments have been fully considered by Council. Staff could be directed to bring forward a draft resolution in that regard for Council's consideration at the July 26, 2021 meeting of Council, should that be desired.

Policy Considerations:

Trees are increasingly being recognized for their role in regulating the climate, benefits to physical and mental well-being, and economic benefits. At the Provincial level, urban forests are included in the “Climate Action Toolkit” as they provide ecosystem services that help communities mitigate and adapt to a changing climate.

At the Regional level, planning initiatives such as Metro 2050, Climate 2050, and the Urban Forest Climate Adaptation Initiative are providing a policy framework and guidelines for municipalities to implement best practices for urban forest planning and management. Metro 2050 looks at the overarching role of trees with a focus on ecologically important lands, natural habitat, green infrastructure, and canopy cover for the mitigation of the urban heat island effect, and ability to provide green spaces with benefits to physical and mental health. Climate 2050 recognizes tree canopy and urban forests and the need to ensure resiliency in the face of climate change, as trees provide shade in urban areas, reducing the energy needed to cool buildings and give relief to residents during extreme heat events. These initiatives are directed towards ensuring a healthy, resilient, and safe tree population for the future.

Similarly, at the local level, the Township of Langley’s Sustainability Charter, Official Community Plan, Climate Action Strategy, and development servicing bylaws provide a policy framework for tree protection and replacement in the Township, as summarized below.

Sustainability Charter:

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

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.

Climate Action Strategy:

- Actions for creating resilient natural systems; and
- Actions under Green Space & Ecosystems relating directly to trees include:
 - Complete a Tree Canopy Study/Strategy,
 - Develop a tree voucher program for private properties,
 - Develop a Biodiversity Conservation Strategy, and
 - Update preferred planting list of trees and shrubs to ensure plants can adapt to future climate conditions.

Subdivision and Development Servicing Bylaw – Schedule I: Tree Protection

- Defines a “significant tree” as a tree with a 30 cm dbh;
- Requires the provision of a Tree Protection Plan, prepared by a professional arborist;
- Stipulates replacement at a specified rate of 30 trees per acre; and
- Provides an incentive of three (3) trees for every tree preserved, in tree replacement.

Currently underway is the Community Forest Management Strategy, which is anticipated to provide a clear vision, guidance, and measurable targets to sustain the community forest and maximize benefits to the community into the future.

Alternate Recommendations

Should Council wish to give the necessary readings to the recommended Bylaw amendments prior to proceeding with the public input opportunity, the following associated bylaws, previously presented by TPAC are presented under Attachment D for Council's consideration:

- Tree Protection Bylaw 2019 No. 5478 Amendment Bylaw 2021 No. 5712;
- Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2021 No. 5713; and
- Fees and Charges Bylaw 2007 No. 4616 Amendment Bylaw 2021 No. 5714.

In addition, should Council grant the initial readings to the referenced bylaws, it is recommended that Council pre-approve, as part of the 2022 budget, the service enhancement of two (2) additional arborists, one (1) vehicle, and one (1) additional clerical support staff.

Respectfully submitted,

Ramin Seifi
GENERAL MANAGER, ENGINEERING AND COMMUNITY DEVELOPMENT
for
ENGINEERING AND COMMUNITY DEVELOPMENT DIVISIONS

ATTACHMENT A Tree Protection Bylaw with Track Changes

ATTACHMENT B REBGV Tree Protection Bylaw Fact Sheet (January 2021)

ATTACHMENT C Summary of Regional Tree Protection Bylaws

~~ATTACHMENT D Bylaws previously presented to Council as Item K.1 of June 14, 2021 Agenda~~

ATTACHMENT A**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 of~~ **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;~~
- h) ~~h)~~ land that is currently designated as Agricultural Land Reserve as defined under the Agricultural Land Commission Act; or
- i) ~~h)~~ 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:
- 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.
- 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:
- a) not do any act or engage in any activity that may result in the continuation or repetition of the offence;
 - b) pay the costs incurred by the **Municipality** in investigating and prosecuting the offence;
 - c) 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**
 - d) 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	8th	day of	July	, 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 3m metres in height or of a minimum 6cm centimetres caliper*;
 - b) coniferous **replacement trees** are to be a minimum of 2.5m 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 deciduous **replacement tree** shall be of a minimum 6cm centimetres caliper*.
 - b) ↗ every coniferous **replacement tree** shall be a **protected tree** of a minimum 2.5m 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 15cm 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 10m³ OF APPROVED GROWING MEDIUM PER TREE OR APPROVED EQUIVALENT.

TITLE

TREE PLANTING NOTES

**THE CORPORATION OF THE
TOWNSHIP OF LANGLEY**

DATE APR 2019

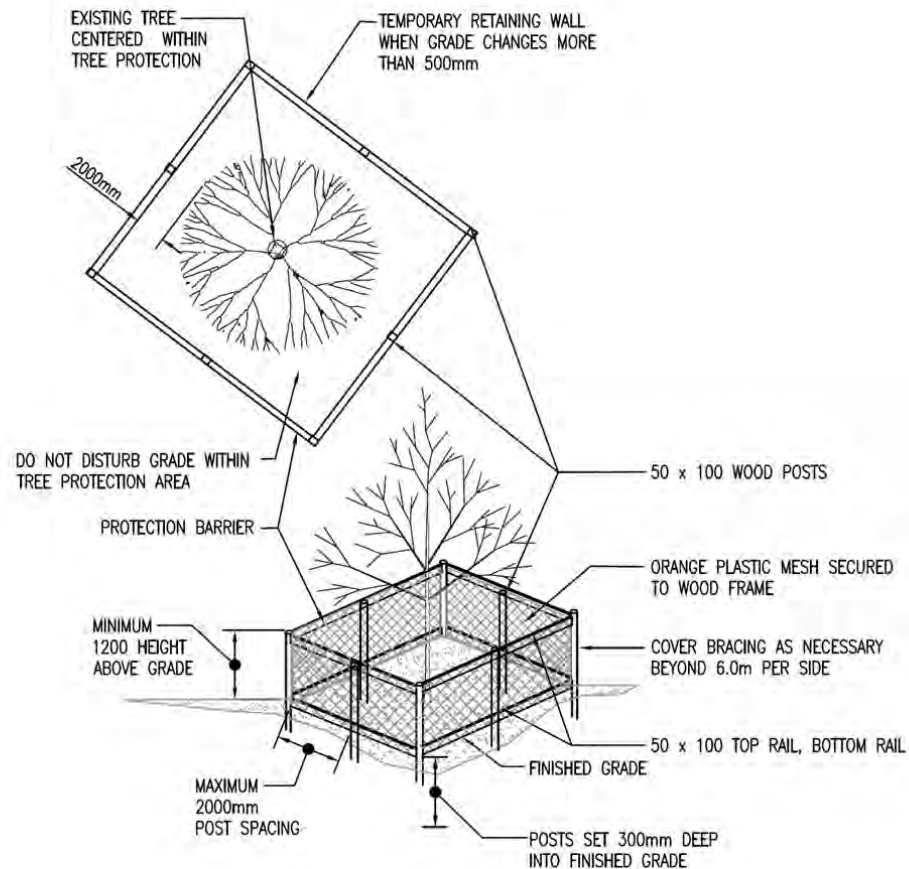
APPROVED

S.D.S.B. No.




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		
THE CORPORATION OF THE TOWNSHIP OF LANGLEY		
DATE	APR 2019	
APPROVED		
S.D.S.B. No.:		

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:

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.

ADDRESS of PROPERTY

DATE

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.

Tree Protection Bylaws and Policies for Private Property Owners

Many local governments in Greater Vancouver have a bylaw or policy addressing tree removal, retention, pruning and damage on private property. This matrix is an overview.

Note: Bowen Island, North Vancouver City, Pemberton, Pitt Meadows, Squamish-Lillooet Regional District and the Gulf Islands do not have a tree bylaw or policy for private land. However, if there are trees within stream corridors or near waterways, trees may be protected under the provincial [Streamside Protection Regulation](#) and the federal [Fisheries Act](#). Trees on agricultural land in the Agricultural Land Reserve may be exempt from municipal tree bylaws. Trees on municipal (city) property are typically under the Parks Department. Questions? Contact your local municipality.

	Anmore Village of	Belcarra Village of	Burnaby City of	Coquitlam City of	Delta City of	Gibsons Town of	Lions Bay Village of	Maple Ridge City of	New Westminster City of
Bylaw or policy	Tree Management Bylaw No. 430, 2007	Tree Cutting Bylaw No. 110, 1987	Tree Cutting Bylaw No. 10482, 1996 Info	Tree Cutting Bylaw No. 4091, 2010 Info	Bylaw for the Protection of Trees No. 7415, 2016 Info	Tree Preservation Bylaw 1282, 2020 Info	Trees, Views and Landscapes Bylaw No. 393, 2007	Tree Protection Bylaw No. 5896, 2000 Info	Tree Cutting Bylaw No. 7799, 2016 Info
Tree defined	10 cm (3.9 in) + in diameter measuring 1.4 m (4.5 ft) above ground. Doesn't include hedge, alder or cottonwood	5 m (16.4 ft) or more in height	20.3 cm (8 in) + in diameter; conifer tree with diameter 30.5 cm (12 in) +; broad leaf tree diameter of 45.7 cm (18 in) +	20 cm + in diameter, 1.4 m from base, or on a steep slope 5 m + in height	Any woody plant of any species; grows to height > 5 m, including dead trees	20 cm + in diameter at breast height (130 cm above the ground)	Diameter of 20 cm + measured 1.4 m above ground. Arbutus, Dogwood and Yew 10 cm at 1.4 m above ground	20 cm + diameter at breast height (130 cm above the ground)	20 cm + diameter or has combined diameter of its two largest trunks or stems 20 cm +
Significant or protected trees defined	No	No	Covenanted tree	20 cm + in diameter, 1.4m from the base, 5m on steep slope	Replacement trees regardless of size	20 cm + in diameter at breast height (130 cm above the ground)	Significant trees due to size, age, landmark, cultural, environmental or social; wildlife habitat	Tree > 50 cm diameter at breast height in urban/suburban area; 70 cm diameter at breast height for trees in rural area not cottonwood or alder	Yes. Large, mature deciduous or coniferous tree with a diameter 60 cm +
Urban forest strategy	No	No	Yes	No	Yes	Yes	No	No	Yes

ATTACHMENT B

Tree protection bylaws and policies for private property owners										page 2 of 7
	Anmore Village of	Belcarra Village of	Burnaby City of	Coquitlam City of	Delta City of	Gibsons Town of	Lions Bay Village of	Maple Ridge City of	New Westminster City of	
Area covered by bylaw	Private property	Private property or development permit area	Private and public lands	Private property	Private property or development permit area	Private property or development permit area	Private and public lands	Private and public lands	Private property	
Cutting permit required	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Some exemptions. See bylaw	Yes . Lot < 0.5 hectare Yes lot + 0.5 hectare	Yes . Some exemptions. See bylaw	
Permit fee	\$500	\$200	\$70 - \$500 No development Development application pending \$800	\$302	\$100 (plus \$10/ tree to be cut to a maximum of \$2,000)	\$50 plus \$50 each additional tree	\$75	Non- development fee: \$50 for first tree + \$25 each additional tree.; Development: \$200 + \$25 per tree	\$75 per tree for first 10 trees; \$150 per tree for each additional tree to be removed	
Development, site or tree plan required (written plan and/or report to accompany permit application)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Security deposit required for permit	May be required	May be required	\$820	A \$300 per tree security deposit may be required	\$500	\$300	\$500	\$600 per replacement tree	\$500 +	
Tree replacement ratio - the number of replacement trees required to replace trees cut down	3:1 when coniferous > 4 m; 3:1 when deciduous tree > 7 m	Not specified	1:1 when diameter of tree < 30.5 cm; 2:1 when diameter is 30.5 cm + to 61 cm; 3:1 when diameter is 61 cm +	Replacement may be required	2 replacement trees for each tree removed. Tree replacement plan by qualified professional	1:1	Not specified	Yes . 2:1 where tree cutting contravenes bylaw	2:1	
Tracking of replacement trees	Yes replacement trees must remain in good health for 3 + years	Not specified	Yes	Yes	Yes	Yes	Not specified	Yes (see Bylaw Schedule B)	Yes	

Tree protection bylaws and policies for private property owners										page 3 of 7
	Anmore Village of	Belcarra Village of	Burnaby City of	Coquitlam City of	Delta City of	Gibsons Town of	Lions Bay Village of	Maple Ridge City of	New Westminster City of	
Hazardous trees addressed	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Canopy considerations	Not specified	Not specified	Not specified	Tree management information	Delta Trees for tomorrow	Not specified	Not specified	Not specified	Urban Forest Management Strategy	
Penalties	\$1,000	Not more than \$1,000	Not less than \$2,000 and not more than \$10,000	Up to \$500 (see link)	Up to \$10,000	\$2,000 - \$5,000	\$1,000 for first tree cut without permit; \$3,000 for subsequent trees to max \$10,000	Not more than \$10,000 per tree	Up to \$10,000	
Notes			Information		Trees for tomorrow	Tree cutting permit application guide			Tree permit information	

Tree protection bylaws and policies for private property owners										page 4 of 7
	North Vancouver District of	Port Coquitlam City of	Port Moody City of	Richmond City of	Sechelt District of	Squamish District of	Sunshine Coast Regional District	Vancouver City of	West Vancouver District of	
Bylaw or policy	Tree Protection Bylaw. 7671, 2012	Tree Bylaw 4018, 2019	Tree protection Bylaw, No. 2961, 2015	Tree Protection Bylaw, No. 8057, 2006	Environmental Management and Protection Bylaw No. 484, 2009	Tree Management Bylaw 2640, 2018	Tree Cutting Permit Bylaw, No. 350, 1991	Protection of Trees Bylaw No. 9958, 2015	Tree Bylaw, No. 4892, 2016	
Tree defined	10 cm or more, measured 1.3 m above ground	15 cm measured 1.4 m above the ground or a height at least 5 m	10 cm measured 1.4 m above ground	20 cm measured 1.4 m above ground	Diameter 60 cm +	20 cm measured 1.4 m above ground	3 m + in height, incl. any tree reduced to < 3 m because of topping	Self-supporting, perennial, woody plant with trunk or stem and a root system	10 cm measured 1.4 m above ground	
Significant or protected trees defined	Any tree on sloping terrain; replacement trees, retained, heritage and wildlife trees; trees on wetlands or waterfront; arbutus, Garry oak, Oregon ash, pacific yew, western white pine, yellow cedar	Trees listed in Schedule A of the bylaw.	Tree identified by Council as important to community - for heritage or landmark values or as wildlife habitat	Trees within the designated environmentally sensitive areas - see Schedule D map	Trees with diameter 60 cm +; trees designated to be retained on a plan attached to development, variance, building or subdivision permit	80 cm measured 1.4 m above ground	No	No	Trees > 75 cm DBH, replacement trees; retained trees; heritage trees; trees in a watercourse area; Trees > 20 cm DBH: Arbutus, Garry Oak, Pacific yew; Pacific dogwood and others	
Area covered by bylaw	Private and district property	Private and City property	Private and City property	Private property except tree farms/nurseries and golf courses	Properties 1 ha +, trees within 30 m of Chapman Creek or Gray Creek, within 15 m of any watercourse and the natural boundary of the ocean	All lands under the jurisdiction of the district	All lands shown on Schedule A and Appendix 1	Private and City property except trees under jurisdiction of Park Board	Private and public lands	

Tree protection bylaws and policies for private property owners										page 5 of 7
	North Vancouver District of	Port Coquitlam City of	Port Moody City of	Richmond City of	Sechelt District of	Squamish District of	Sunshine Coast Regional District	Vancouver City of	West Vancouver District of	
Cutting permit required	Yes. Tree Permit Application Form	No permit required for one tree annually	Yes	Yes	Yes	Yes	May be required. No permit required for cutting 1-3 trees per parcel per year. Where parcel is 1 ha+ no permit for cutting 1-3 trees per ha per year within Tree Cutting Permit Area B	Yes	Yes On private property	
Permit fee	\$82 - \$2,013 depending on number of trees	\$100	Application \$220 - \$589	Application \$62	Application \$50 for first 3 trees, \$10 for each additional tree; protected trees	Application \$150 plus \$5 per tree proposed to be removed	Application \$100 Double if undertaken after tree removal	Application \$87 for first tree in 12-month period; \$250 per each additional tree during same 12-month period	Application \$300	
Canopy considerations	No	Yes	No	Yes	Yes	Yes. Tree density	Not specified	Yes. Urban Forest Strategy.	Yes - tree canopy cover study	
Development, site or tree plan required (written plan and/or report to accompany permit application)	Site plan, replanting plan, for protected tree - certified arborist report	Tree cutting plan; tree replacement plan; may require an arborist report	Tree removal plan, tree retention plan	Yes	Tree Protection Plan may be required; Engineer's report	Tree removal plan, Tree replacement plan,	Report by certified arborist	An arborist report; tree plan that complies with sec 4.1.4 of the Zoning and Development Bylaw	Not specified	
Security deposit required for permit	125% of estimated cost of work to be performed to a maximum of \$10,000	Yes. \$500	\$612	No	\$200 per replacement tree; \$750 - \$1,500 in lieu per tree not planted	\$250 per tree	Yes. See Schedule B. Amount to be determined	\$500 per replacement tree. \$750 per replacement tree when 8 cm + caliper	\$1,000 per replacement tree to a max of \$10,000	

Tree protection bylaws and policies for private property owners										page 6 of 7
	North Vancouver District of	Port Coquitlam City of	Port Moody City of	Richmond City of	Sechelt District of	Squamish District of	Sunshine Coast Regional District	Vancouver City of	West Vancouver District of	
Tree replacement ratio - the number of replacement trees required to replace trees cut down	1:1	1:1. \$500 in lieu of each replacement tree not planted if approved by Parks section manager	1:2	1:1. No replacement required for 1 tree cut annually	1:1 when permit is required	2:1 for each tree removed, or 6:1 for each significant tree (80 cm diameter) removed	Not specified	1:1; 2:1 or trees acceptable to Planning director as per Schedule D or \$1,000 cash in lieu per tree	1:1	
Tracking of replacement trees	Yes - inspection procedure	Yes. Staff may inspect	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Hazardous trees addressed	Yes	Any tree determined by a certified arborist which presents a safety hazard	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Penalties	Up to \$10,000	\$200 for failure to display a permit. \$1,000 for removing a tree without a permit. up to \$4,000 for late payment of a fine for removing a significant tree without a permit. 3:1 replacement trees planted per tree removed without permit	Not less than \$1,000 and not more than 10,000	No less than \$1,000 and not more than \$10,000	Not less than \$10,000	\$5,000	Cost of restoring all vegetation	Not less than \$500 not more than \$10,000	Up to \$10,000	
Notes	FAQs: Learn more	Tree Bylaw basics	Trees on private property	Trees on private property	Protecting trees in Sechelt	Trees and soils management	Tree cutting permits	How we care for trees		

Tree protection bylaws and policies for private property owners

page 7 of 7

	Whistler Resort Municipality of
Bylaw or policy	Environmental Protection Bylaw No. 2000, 2012 to protect Streams and Trees
Tree defined	15 cm+ in diameter measured 1.4 m from ground
Significant or protected trees defined	No
Area covered by bylaw	Private and public lands
Cutting permit required	Yes
Permit fee	\$125
Canopy considerations	Not specified
Development, site or tree plan required (written plan and/or report to accompany permit application)	Yes
Security deposit required for permit	135% of the value of replacement trees and site restoration measures
Tree replacement ratio - the number of replacement trees required to replace trees cut down	1:1
Tracking of replacement trees	Yes
Hazardous trees addressed	Yes
Canopy considerations	Not specified
Penalties	\$1,000 per day until the situation is resolved
Notes	Tree cutting permits

Summary of Regional Tree Protection Bylaws

ATTACHMENT C

	REBGV Fact Sheet*	Abbotsford	Surrey	Township of Langley	
				Current	Proposed
Protected tree defined (diameter breast height - dbh)	<ul style="list-style-type: none"> • 60cm + (1)** • 20cm + (9) • 15cm or less (2) • 10cm + (4) • by height (3) 	20cm	30cm	30cm	20cm
Significant or protected trees	Yes (14) No (5)	Yes	Yes	No	No change
Area covered	Public and private lands (11) Private only (7) SPEA only (1)	Private lands	Public and private lands	Public and private lands	No change
Cutting permit required	Yes (except for Port Coquitlam)	Yes	Yes	Yes	No change
Permit fee	Ranges from \$50 to \$2,000 depending on number of trees being removed	\$65 for single tree \$97 per tree for 2 to 5 trees \$131 per tree for more than 5 trees	\$93 per application plus \$36 per tree	\$150 per application plus \$100 per tree	No change
Development site or tree plan required	Yes (required in 18 municipalities)	Yes	Yes	Yes (in specific cases)	Yes (in most cases)
Security deposit required	Yes (16) Ranges from \$200 to \$1000 No (1) May be req'd (2)	Value equal to 100% value of the replacement tree	Replacement tree deposit of \$550 per tree	No	Yes - \$500 per replacement tree
Tree replacement ratio	1:1 (7) 2:1 + (8) May be required or not specified (4)	2:1 (20-30cm) 3:1 (30cm +)	2:1	1:1	1:1 (20-30cm) 2:1 (30cm +)
Tracking of replacement trees	Yes (17) No (2)	Yes	Yes	Yes	No change
Hazardous trees addressed	Yes (18) No (1)	Yes	Yes	Yes	No change
Canopy considerations	Yes (9) No (10)	No	Yes	No	No change
Penalties	Up to a maximum of \$10,000	100% replacement tree value, maintenance costs, and site restoration works	<ul style="list-style-type: none"> • \$3,000 for protected tree • \$5,000 for specimen tree • \$20,000 for significant tree 	Up to a maximum of \$10,000	No change

* Source: Real Estate Board of Greater Vancouver Tree Protection Bylaw Fact Sheet (January 2021) and includes the following municipalities: Anmore, Belcarra, Burnaby, Coquitlam, Delta, Gibsons, Lions Bay, Maple Ridge, New Westminster, District of North Vancouver, Port Coquitlam, Port Moody, Richmond, Sechelt, Squamish, Sunshine Coast Regional District, Vancouver, West Vancouver, and Whistler.

** Numbers between parentheses in this column indicate the number of the 19 municipalities surveyed are represented.