

AGENDA

COUNCIL WORKSHOP

Tuesday, June 5, 2012

6:00 p.m.

Committee Room, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Robin Hicks

Councillor Mike Little

Councillor Doug MacKay-Dunn

Councillor Lisa Muri

Councillor Alan Nixon



NORTH VANCOUVER
DISTRICT

www.dnv.org

THIS PAGE LEFT BLANK INTENTIONALLY

COUNCIL WORKSHOP

**6:00 p.m.
Tuesday, June 5, 2012
Committee Room, Municipal Hall
355 West Queens Road, North Vancouver**

AGENDA

- 1. Opening by the Mayor**
- 2. Tree Work in the District Policy – Proposed Amendments Tree Bylaw**
File No. 12.6300.01/000.000

Presentation: Mark Brown, Community Forester and Richard Boase, Environmental Protection Officer

Memo: Community Forester and Environmental Protection Officer, May 25, 2012

- 3. Adjournment**

THIS PAGE LEFT BLANK INTENTIONALLY



Memo

May 25, 2012
File: 12.6300.01

TO: Mayor and Council

FROM: Mark Brown, R.PF – Community Forester
Richard Boase, P.Geo. – Environmental Protection Officer

SUBJECT: Tree Work in the District Policy - Proposed amendments
Tree Bylaw

The attached Report to Council and Tree Work in the District Policy 13.5280/1 (amended) are provided as an update and for consideration at Council Policy workshop (June 5th).

The amended policy document and the set of new tree bylaws will be returned to Council for adoption at regular council meeting.

Also included is a draft copy of the latest version of Bylaw 7671 – Tree Bylaw. This bylaw is part of a set of new bylaws that would amend the existing Environmental Protection & Preservation Bylaw (EPPB). The changes amount to;

- removing the section on trees in the current EPPB
- creating a standalone Tree Bylaw
- amending the Fees & Charges Bylaw to reflect the above changes

Sincerely

Mark Brown, R.PF
Community Forester

Richard Boase, P.Geo
Environmental Protection Officer

COUNCIL AGENDA/INFORMATION			
<input type="checkbox"/> In Camera	Date: _____	Item # _____	
<input type="checkbox"/> Regular	Date: _____	Item # _____	
<input type="checkbox"/> Agenda Addendum	Date: _____	Item# _____	
<input type="checkbox"/> Info Package			
<input type="checkbox"/> Council Workshop	DM# _____	Date: _____	Mailbox: _____

Dept. Manager	Director	CAO
------------------	----------	-----

The District of North Vancouver REPORT TO COUNCIL

25 May 2012

File: 13.6780.01/001.000

Tracking Number: RCA -

AUTHOR: Mark Brown, Community Forester

SUBJECT: Corporate Policy 13.5280/1 Tree Work in the District – Proposed Revisions

RECOMMENDATION:

That Council endorse the proposed revisions to existing Corporate Policy – 13.5280/1 Tree Work in the District (Attachment 1), which guides the management of trees on all District parkland and District owned/managed lands.

REASON FOR REPORT:

Policy revisions have been prepared to keep this key risk management and permitting document up to date, and consistent with today's best management practices for urban forest management. The proposed revisions recognize advances in technology and tree risk assessment, and serve to guide the permitting system for District owned trees to facilitate a fair, equitable and efficient process.

SUMMARY:

Updates to the Tree Work in the District Policy and Tree Bylaw have been undertaken concurrently in a coordinated manner. Key proposed revisions are as follows:

- Updated definitions within policy
- Permit process amendments
- Tree risk assessment and risk management updates
- Synchronized the inspection process to better correlate with Parks Department emergency preparedness plan
- Clarification of the application process for tree work contractors to apply for Prime Contractor status
- The District will begin publicizing its annual call for tree contractors interested in pre-qualifying as a Prime Tree Contractor, along with the pre-qualifying criteria, in a public forum (i.e. BC Bid) in order to increase the transparency of the District's procurement practices and to ensure compliance with applicable trade agreements.

BACKGROUND:

The Tree Work in the District Policy was originally approved by Council on March 24, 1997, with the last amendment dated August 28, 2000. The policy has functioned very well over the last decade, however periodic review by staff involved in its day to day implementation have identified opportunities and areas for improvement.

EXISTING POLICY:

Corporate Policy 13.5280/1 - Tree Work in the District was approved on March 24, 1997.

ANALYSIS:

Current policy has become somewhat dated and in need of revisions and updates. Staff has researched best practices in the evolving discipline of urban forest tree risk management. Managing trees is a very significant aspect of urban life and maintaining public safety, therefore tree risk assessment procedures have been developed by the International Society of Arboriculture (ISA) and endorsed by WorkSafe BC for the urban/rural interface. Proposed changes to the Tree Inspection Procedures (Appendix 1, Attachment 1) reflect these advances and better align the policy with industry standards.

Timing/Approval Process:

Staff recommends that policy revisions are adopted concurrent with proposed changes to the tree section of the Environmental Protection and Preservation Bylaw 6515.

Concurrence:

Parks Department staff, who administer the Tree Work in the District Policy 13.5280/1, have been consulted and have provided input on the proposed policy revisions. Planning and Purchasing Department staff have also been consulted on the policy updates.

Financial Impacts:

No financial impacts are anticipated from the proposed policy updates.

Liability/Risk:

Proposed revisions to the tree inspection procedures and priority rating sections of the policy are intended to reduce potential liability exposure to the District.

Social Policy Implications:

Education and outreach is an integral component of staff's role in administering this policy. This fosters a greater understanding of the complexities of tree risk management, and the value our urban forests contribute to the community.

Environmental Impact:

Policy revisions are designed to support the overall Corporate Policy objectives "to preserve and enhance the District's attractive *forested character*, ecological systems and *natural parklands*, while recognizing the responsibility to minimize risk to public and property."

Conclusion:

Proposed revisions will support staff in their role as Field Arborists (tree inspectors); to efficiently and equitably administer the permit process as it relates to the management of trees on District owned and managed lands. Policy revisions will reduce liability exposure and provide clarity in the priority rating system for inspected trees.

M W Brown

Mark Brown, RPF Cert. Arb.
Community Forester

REVIEWED WITH: <input type="checkbox"/> Sustainable Community Development <input type="checkbox"/> Development Services <input type="checkbox"/> Utilities <input type="checkbox"/> Engineering Operations <input type="checkbox"/> Parks & Environment <input type="checkbox"/> Economic Development	REVIEWED WITH: <input type="checkbox"/> Clerk's Office <input type="checkbox"/> Corporate Services <input type="checkbox"/> Communications <input type="checkbox"/> Finance <input type="checkbox"/> Fire Services <input type="checkbox"/> Human resources <input type="checkbox"/> ITS <input type="checkbox"/> Solicitor <input type="checkbox"/> GIS	REVIEWED WITH: External Agencies: <input type="checkbox"/> Library Board <input type="checkbox"/> NS Health <input type="checkbox"/> RCMP <input type="checkbox"/> Recreation Commission <input type="checkbox"/> Other: _____	REVIEWED WITH: Advisory Committees: <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
--	--	---	---



Section:	Planning and Development	13
Sub-Section:	Environmental Planning and Development	5280
Title:	TREE WORK IN THE DISTRICT	1

POLICY

It is the policy of the District of North Vancouver to preserve and enhance the District's attractive *forested character*, ecological systems and *natural parklands*, while recognizing the responsibility to minimize risk to the public and property.

REASON FOR POLICY

To clarify the responsibilities and procedures for work on trees in the District.

AUTHORITY TO ACT

Delegated to staff

Tree protection in the District of North Vancouver is outlined in the ~~Environmental Protection and Preservation Bylaw, No. 6515~~ Tree Bylaw 7671. This policy prescribes the procedures to conduct work on trees within the District.

PROCEDURE

1.0 HAZARDOUS TREES ON DISTRICT PROPERTY

This section applies to all trees located wholly or in part on District property, dedicated roads and parks.

On request, the District Arborist or appropriate staff will inspect trees on District property and will mitigate hazards to the public or property according to the procedures in 1.1 and Appendix 1, *Tree Rating Procedure for Trees on District Property*. If additional work not related to safety is requested, the District will consider the request subject to the conditions outlined in sections 2.0 and 3.0.

- 1.1 Tree hazards will be mitigated in accordance with the procedure set out in Appendix 1, *Tree Rating Procedure for Trees on District Property* which is attached and forms part of this policy. The tree(s) identified with the highest rating for a hazard will be corrected first and as soon as practical within the work schedule limits as prescribed in Appendix I.
The Parks Department is issued a permit annually under the ~~[Tree Bylaw 7671]Environmental Protection and Preservation Bylaw~~ granting authorisation to mitigate hazardous trees.
- 1.2 Should the requester disagree with the tree assessment by the *District Arborist*, the requester may obtain a secondary opinion from a qualified arborist (at the requester's expense). This assessment will be reviewed and considered before a final decision is made. The *District Arborist* or appropriate staff reserves the right to make the final decision.

2.0 NON HAZARDOUS TREES ON DISTRICT PROPERTY

The *Manager of Environment* will consider a permit application to allow work not related to safety as defined in Section 1.0, and the Appendix 1, subject to the following:

- 2.1 The resident must make a permit application pursuant to the ~~Environmental Protection and Preservation Bylaw (Bylaw 6515)~~. [Tree Bylaw 7671]
- 2.2 The permit fees and associated cost of the work and the cost of restitution will be the responsibility of the applicant.

2.3 All potential permit work will consider the tree's safety and long-term health and must not adversely affect the aesthetic appearance, viability of the tree and its ecological values.

- (a) If removal is requested, the *District Arborist* or other *appropriate staff* will assess the tree in terms of its contribution to the streetscape and *forested character* of the neighbourhood; its contribution to wildlife habitat and the ecosystem; and the uniqueness of the specimen. Replacement with trees and/or appropriate vegetation will be required as compensation.
- (b) If removal of a number of trees or significant pruning work is permitted, the work may be required to be staged over a period of time at the discretion of the *District Arborist* or appropriate staff to lessen the impacts. Replacement with trees and/or appropriate vegetation will be required as compensation.
- (c) Requests for removal of trees to improve view and sunlight and abate twig, leaf and needle drop, are not acceptable reasons to remove healthy trees, however, some pruning may be permitted with consideration for the health, integrity, appearance and survival of the trees. Replacement with trees and/or appropriate vegetation will be required as compensation.

(d) Requests for removal of otherwise healthy but heavily phototropic trees which create a moderate aerial encroachment onto private property will be considered, where pruning would remove an excessive portion of the live crown and compromise long-term health and viability. Replacement with trees and/or appropriate vegetation will be required as compensation.

~~(d)~~(e) The following trees will not be considered for pruning or removal:

- Yew (*Taxus brevifolia*)
- Arbutus (*Arbutus menziesii*)
- Yellow Cedar (*Chamaecyparis nootkatensis*)
- Western White Pine (*Pinus monticola*)
- Garry Oak (*Quercus garryana*); or
- Unique specimen trees;

unless there are compelling circumstances to warrant removal, such as a tree within a building or development envelope where all design options to save the tree have been exhausted or where pruning will save the tree or reduce a hazard.

~~(e)~~(f) Topping of trees.

Topping of trees is not an acceptable pruning method and will not be permitted, with the exception of previously topped trees.

(g) Previously topped trees.

Previously topped trees may be re-topped if at the discretion of the District Arborist or appropriate staff, topping would be a suitable technique to sustain the tree, reduce or eliminate a future hazard (or existing hazard) or be appropriate for the specific circumstances as assessed on a case-by-case basis. It is recognized that a topped tree still has wildlife and aesthetic value as well as having an important function with respect to maintaining slope stability, groundwater, and reducing precipitation impacts to the soil. If the tree is allowed to be re-topped, then other appropriate tree species and/or vegetation will be required as replacement for the possible future removal of the re-topped tree(s).

2.4 The District reserves the right to refuse any permit requests

3.0 Issuing of Permit: Trees on District Property

If the requirements of 2.0 are met, a permit may be issued for the requested work subject to the following:

- 3.1 The applicant will be required to submit a signed *neighbourhood consent form* distributed as per section 6.0, on the form prescribed by the Environment Department. The form shall be distributed by the applicant to the affected owners in the area wherein the affected owners state that they are aware of the request and have no objection to the work requested. Information to accompany the *neighbourhood consent form* includes a photo of the tree(s), the species of the tree(s), the

corresponding tree numbers slated for the work with a sketch or plan locating the trees proposed for work.

3.2 In the event that one or more of the affected owners object to the proposed work, the *District Arborist* or *appropriate staff* will attempt to facilitate a solution acceptable to the applicant, affected owners and the *appropriate staff* from the District. Every effort must be made by the applicant to obtain unanimous consent, however, where unanimous consent is not achieved, the District reserves the right to issue the permit under the following circumstances:

3.2.1 the proposed work will contribute to the *sustainable management* of its forested land;

3.2.2 the proposed work is required to satisfy other District bylaws, regulations or conditions of development (e.g. *Street and Traffic bylaw*)

3.2.3 Where consensus has been reached, the applicant will be required to include a replanting plan ~~asto~~ *compensation* for any trees removed.

3.3 ~~If no compromise solution can be found, then a permit will not be issued and the work will not be done.~~

3.5 After clarifying the proposed work with the *District Arborist*, or *appropriate staff*, the applicant will provide a written quote for the work plus the cost of any restitution required as quoted by a ~~suitably insured contractor~~ *Prime Contractor* that ~~currently~~ meets the requirements to conduct tree work on District Property. The District reserves the right to refuse any quote if it is deemed unsatisfactory to accomplish the required work including cleanup and replanting.

3.6 The permit may be issued when the District has received the following:

- a) the completed signed *neighbourhood consent form*, as prescribed in Section 6.0
- b) the completed permit application form
- c) a property map or sketch to scale indicating the location of the proposed tree work, the species of the tree(s) with a corresponding number tag attached to each tree
- d) Corresponding photo(s) of the tree(s) before and after the work is done, from the same orientation, may be required to complete the file
- e) a payment to cover the cost of permit fee(s)
- f) a payment equal to the estimate (including applicable taxes) for the requested pruning or removal work
- g) a refundable deposit (as per tree permit application) to ensure restitution requirements are met. If after 60 days the requirements for restitution have not been met, the District will cash the deposit and complete the restitution requirements.

4.0 Tree Work and Inspections on District Owned Land

4.1 **Alpine Areas:** Trees adjacent to developed trails in the alpine areas will be visually inspected upon request. Hazards will be mitigated as per section 1.0 and trail blockages removed. User frequency of these parklands will be considered when assessing the trees. Habitat enhancement through the creation of *Wildlife Trees* will be done wherever possible.

4.2 **Natural Parkland and Urban Parkland:** Trees adjacent to *mulch trails*, *engineered full serviced trails*, *gravel connector trails* and District sanctioned areas of congregation (e.g. *Barbeque pits*, *picnic sites and viewpoints*) will be visually inspected upon request. Hazards will be mitigated as per section 1.0 and trail blockages removed. User frequency of these parklands will be considered when assessing the trees. Habitat enhancement through the creation of *wildlife trees* will be done wherever possible. Perimeters of parkland adjacent to other property will be inspected for tree concerns upon request and hazards mitigated as per section 1.0.

4.3 **Unopened Lane Allowances, Road Allowances and Other District Owned Land:** Trees in and adjacent to unopened lane allowances, road allowances and other District owned land will be inspected for tree concerns on request and hazards mitigated as per section 1.0.

4.4 **Tree Clearing on District Property:** In order to ensure that clearing of District Lands is done in accordance with District Standards, all clearing and site preparation of approved development of District lands shall be conducted under the supervision of the *District Arborist* or *other appropriate staff*. A security deposit may be taken from the applicant to ensure that the protection measures are adhered to.

5.0 Public Notification: Tree Work on District Property

- 5.1 Work to be conducted on trees rated as "Priority 1", pursuant to the rating procedure described in Appendix 1, will not invoke the requirement for Public Notification.
- 5.2 In residential areas the District Arborist or appropriate staff and Parks Arboriculture crew or Prime Contractor assigned the work shall give five (5) three (3) working days notice to the area residents regarding the work to be conducted on trees rated as "Priority 2 through Priority 5." The notification shall describe the work to be done using standardized Door Hangers or other appropriate methods. The number of residents to receive notification shall be determined as described in Section 6.0, Public Consent.
- 5.3 On District parkland outside of residential areas for Priority 2 through Priority 5 work, signs will be erected at least 48 hrs prior to work being performed to notify park users of trail closures and scheduled hazard tree mitigation work.

6.0 Public Consent: Tree Work on District Property

Upon a permit application for work on non-hazardous trees on District owned land, the *District Arborist or appropriate staff* will assess the level of impact to the neighborhood due to the requested work. If the permit application is of moderate or high impact, or involves trees on Park property then the *District Arborist* will first review the permit application with the *Manager of Environment* to determine if the application should proceed. If the permit application is allowed to proceed, then the level of public consent will be determined as follows:

- 6.1 **Low impact pruning or removal.** This includes as a minimum, the distribution of the neighbourhood consent form by the applicant to the properties directly adjacent to the proposed work, this requirement may be exempted at the District Arborist's or appropriate staff discretion where the work is in a location which will not affect adjacent properties [e.g. a tree in adjacent greenbelt or hedge on the boulevard not affecting other properties]
- 6.2 **Moderate impact pruning or removal.** This includes as a minimum, the distribution of the neighbourhood consent form by the applicant to 9-6 properties adjacent to proposed work. The number of signatures required may be reduced at the discretion of the District Arborist or appropriate staff, where it is deemed that the proposed work is unlikely to affect 6 adjacent properties.
- 6.3 **High impact pruning or removal.** The *District Arborist or appropriate staff* may contact the local neighbourhood association and the general neighbourhood as per 6.2 above. The Parks Department shall also install signage in the vicinity of the site, indicating the work to be completed. Based on the response from the signage and the neighbourhood association, a public consultation meeting may be arranged by the appropriate staff Parks Department. This process shall occur a minimum of 20 working days in advance of the proposed commencement of work.
- 6.4 The District Arborist may exempt the need for unanimous consent, and/or require an amendment to the proposed work to achieve agreement by the affected property owners and unanimous consent.

7.0 TREE WORK ON PRIVATE PROPERTY

- 7.1 Tree work on private property is regulated under the Environmental Protection and Preservation Bylaw (Bylaw 6515) [Tree Bylaw 7671] as defined in section 22.
- 7.2 Property owners must determine whether the trees on their property are governed by the Environmental Protection and Preservation Bylaw [Tree Bylaw 7671]
- 7.3 If the Environmental Protection and Preservation Bylaw [Tree Bylaw 7671] regulations apply, the property owner is required to make a permit application under the Bylaw.
- 7.4 If removal is permitted, replacement trees will be required as compensation

SECTION C: DEFINITIONS

affected owners	Means the <u>registered</u> owners of <u>properties</u> land or parcel abutting the applicant's land or parcel, or the location of the tree(s), and includes all other owners the <i>District Arborist</i> or <i>appropriate staff</i> deems to be affected. <u>Rental property tenants must be canvassed for their support and their signature will be considered additional to the required minimum; however written authorization from the registered owner of land or parcel is required for all applications, unless the tenant or managing agent can provide documented legal power of attorney.</u>
<u>arboriculture crew</u>	<u>Parks staff who have the necessary qualifications and safety certification to complete hazard tree mitigation work on District land.</u>
appropriate staff	Means the <i>Manager, Environment Department, Manager of Parks, District Arborist</i> , any District staff that are <i>Qualified Arborists</i> and any District staff as assigned by the <i>District Arborist</i> .
DBH	Means the diameter of the tree measured at breast height standardized at 1.3 meters from the ground. <u>On sloping ground, diameter at breast height is measured on the uphill side of the tree. If the DBH point falls on a swelling in the trunk or the trunk is forked, co-dominant or 1.3m coincides with a lateral branch, measure diameter below the swelling at a point where the diameter is smallest. Where the trunk splits into several trunks at ground level or below 1.3m measure the diameter of each stem individually.</u>
District Arborist	Means the Corporation of the District of North Vancouver, <i>District Arborist, Community Forester or their designates.</i>
door hanger	A standardized form that can be hung on the doorknob or left in the mailbox stating a contact name and number for the District as well as a brief description of the work to be completed.
engineered full service trails	Trails that have an engineered sub-base and are approximately 2.5m in width. Lighting may be provided for night use. These trails are hard surfaced with asphalt or concrete pavers. These trails provide major linkages between neighbourhoods and have a high use level.
<u>externally visible stem cracks</u>	<u>A separation of the wood fibres along the long axis and visible to the inspector, including hazard beam, banana, stave failure or shell buckling cracking of the stem.</u>
Forested Character	The District of North Vancouver has, as an attribute, a well-developed planted and natural forest. It is the general intent to manage existing trees and forest areas in order to preserve and enhance this attribute as well as the habitat and other ecological values it provides.
Frequency of target:	
low frequency target	Where the likelihood of a falling tree or limbs striking a target or people is low including <i>mulched trails</i>
moderate frequency target	Where the likelihood of a falling tree or limbs striking a target or people is moderate, including a residential road, <i>engineered full service trails</i> or <i>gravel connector trails</i> .
high frequency target	Where the likelihood of a falling tree or limbs striking a target or people is high, including buildings, arterial or collector roads.

gravel connector trails	Trails that provide linkages to the <i>Engineered Full Service Trails</i> or well-used trails in parks and green belts. These trails are usually 2.5m wide and have a maintained surface of compacted <u>limestone aggregate</u> . These trails may be moderate to high use.
Impacts:	
low impact pruning:	Means minor tree work that includes <i>standard pruning practices</i> that only affects the adjacent neighbours to the work and will have little or no detrimental impact on the appearance and/or ecology of the wooded area. <u>This work includes regular hedge maintenance where a hedge has been planted on District land or Boulevard.</u>
low impact removal:	Means the removal of small trees and shrubs up to five (5) meters in height and less than twenty (20) centimetres <i>dbh</i> that only affects the adjacent neighbours and will have little or no detrimental impact on the appearance and/or ecology of the wooded area. <u>This work includes the removal of hedges less than 5 metres tall which are located on the District land or boulevard.</u>
moderate impact pruning:	Means tree work that includes standard pruning practices that affect the general neighbourhood and includes significant pruning work and recognizes that the proposed work may affect the appearance and/or ecology of the wooded area.
moderate impact removal:	Means the removal of a single or multiple trees greater than five (5) meters in height and greater than or equal to twenty (20) centimeters <i>dbh</i> and recognizes that the proposed work may affect the appearance and/or ecology of the wooded area.
high impact pruning:	Means significant <i>standard pruning practices</i> that would impact the general neighborhood and includes park and trail users and recognizes that the proposed work may affect the appearance and/or ecology of the wooded area. This could include significant pruning along major travel routes, pruning in recreation areas, pruning of large numbers of trees, and pruning of <i>large trees</i> or <i>unique specimen trees</i> .
high impact removal:	Means the removal of a single or multiple trees that would impact the general neighborhood and includes park and trail users and recognizes that the proposed work may affect the appearance and ecology of the wooded area. This could include removals along major travel routes, removals in recreation areas, removals of large numbers of trees, and removals of <i>large trees</i> or <i>unique specimen trees</i> .
Manager Environment Department	Means the Corporation of the District of North Vancouver, Manager, Environment Department, <u>appropriate staff</u> or <u>their</u> authorized designates.

Manager of Parks	Means the Corporation of the District of North Vancouver, Manager of Parks, or authorized designates.
<u>minor Encroachment</u>	<u>Minor encroachment may exist where a tree overhangs a property line, or where roots extend over the property line these encroachments are considered incidental in nature.</u>
<u>moderate Encroachment</u>	<u>Moderate encroachment may exist where a tree overhangs a property line, or where roots may be incurring some form of damage to boulevards or private property.</u>
mulched trails	Trails that do not have a maintained base. These trails are usually in natural areas and greenbelts. No specific width standards are noted but sometimes boardwalks and steps are incorporated. These trails usually have a moderate to low use rate.
natural parklands	Means District owned land that remains in a natural state that has passive uses such as nature viewing and hiking as the primary attraction or is inaccessible or undeveloped. These lands are often associated with watercourses or create part of the sea to sky linkages involving wooded corridors.
<u>neighbourhood consent form</u>	Means the prescribed form, from the Environment Department , used to seek consent for the proposed tree work. The form is to be distributed by the applicant to the affected owners as determined by the <i>District Arborist or appropriate staff</i> as per Section 6.0.
Permit Plan	Means the District computer program to generate the data base for the requests for service system.
<u>phototropic trees</u>	<u>A condition where competition between trees or trees and structures, causes them to grow with a lean towards available sunlight.</u>
<u>Prime Contractor</u>	<u>A contractor that meets the requirements to conduct tree work on District property, as defined in the Contractor Coordination Program, a copy of the program documents are available at the District's website or can be obtained from the Purchasing Department located at Municipal Hall, 355 West Queens Road, North Vancouver.</u>
qualified arborists	Certified by the International Society of Arboriculture (ISA or equivalent professional association, <u>qualified arborists must in addition be certified tree risk assessors, (CTRA) all certification must be current and in good standing with ISA.</u>
Standard ISA Pruning Practices	Means the pruning practices as defined by the International Society of Arboriculture
<u>Standard Pruning Practices (ANSI A300)</u>	<u>Means the pruning practices as defined by the American National Standards Institute for Arboriculture Operations ANSI A300</u>
<u>severe damage</u>	<u>Where the bole of a tree has suffered damage which is so severe that the structural integrity of the tree has become compromised, this can include but will not be limited to the following:</u> <u>Fire, extreme weather, wildlife or mechanical damage has affected greater than 30% cross sectional area of the stem or greater than 40% of the critical root zone.</u>
<u>sustainable forest management</u>	<u>The stewardship and use of District of North Vancouver forests and forest lands in a way, that maintains biodiversity, productivity, regeneration capacity, vitality and their potential to fulfill, for present and future generations, relevant ecological, economic, social and cultural functions.</u>

large trees	Means trees having a diameter greater than 0.75 m measured 1.3 metre above the natural ground level.
topping	Means the cutting of the stem of a tree resulting in the complete removal of the upper stem and branches of a tree resulting in an abrupt truncated stem.
unique specimen tree	Means a tree that has historical significance, or is of unusual character, or is a prominent feature of the landscape, or in the opinion of the District Arborist <u>or appropriate staff</u> , has other unique qualities.
urban parklands	Parklands that have developed attractions such as play grounds, sports fields, beaches, and flower / shrub beds as the primary attraction. These parklands also often have natural features associated with them such as greenbelts, water features, and trails.
volunteer tree	Means a tree that was seeded naturally and not planted by humans.
wildlife Tree	Means the remainder of a tree that has been cut and modified to stimulate natural decay and simulate cavities for the benefit of wildlife.

Appendix I **Tree Rating Procedure** **for Trees on District Property**

INSPECTION REQUESTS

"Requests for Service" (inspections) will be processed as follows:

- 1) All requests originating from the public, outside agencies or internal sources will be received and processed by the Environment Department District call centre
- 2) The request will be logged onto Permit Plan.
- 3) The District Arborist or appropriate staff will carry out an initial inspection and will complete a "Tree Inspection" form substantially in the form of the attachment to this policy, or complete the electronic version which forms the data collection basis for the GIS based tree risk management system (FMS).
- 4) Trees will be assessed and rated as per the procedures below.
- ~~3) The Parks Department will administer the monthly contracts for tree work.~~
- ~~4) Requests for contractor bids are usually sent to the private contractors in the first week of each month.~~
- ~~5) The Parks Department will administer the work orders and contracts for tree work.~~
- ~~6) Requests for contractor bids are sent to the prime contractors on an as needs basis.~~

INSPECTION PROCEDURE

Visual Inspection

- If the ownership of the tree is in doubt, a survey may be conducted to determine ownership, only trees on District lands will be inspected by the District Arborist or appropriate staff.
- 360 degree, walk around, visual inspection of the tree from ground level. This visual tree assessment (VTA) inspection does not include any practice that is intrusive to the tree.
- VTA are performed to manage risks associated with tree defects under normal weather conditions.

Physical Inspection

If, after the visual inspection, there is a question about the structural integrity of the tree, then the following options are available for further inspection.

- The inspector may have the tree climbed to inspect potential areas of concern.
- The tree may be bored to determine soundness of the bole, by use of an increment borer or IML Resistograph
- The root crown may be excavated to inspect the roots

After inspection, the tree will be rated according to the criteria outlined below.

TREE RATING PROCEDURE

The following table summarizes the Tree Ratings and corresponding Work Schedule.

<u>Tree Rating</u>	<u>Work Schedule</u>
Priority 1	Sent immediately to <u>arboriculture crew or prime contractor</u> for mitigation
Priority 2	Sent to the <u>arboriculture crew or prime contractor</u> to be mitigated through the next monthly tree work contract.
Priority 3	Sent to the arboriculture crew or <u>prime contractor</u> to be mitigated through the next or subsequent monthly tree work contract as the workload allows.
Priority 4	Sent to the <u>Parks Department</u> for consideration. Work may be deferred due to work load and /or budget considerations.
Priority 5	Sent to <u>Parks Department</u> for consideration. Work may be deferred due to work load and /or budget considerations.

Priority 1

This is a tree that has one or more of the following visible characteristics:

- Signs of ground movement, soil or slope failure or root system heaving
- Recent cracking or severe damage on the bole of the tree,
- Partially failed (Hung-up) tree over a moderate to high frequency target
- Broken limbs or broken top hanging over a moderate to high frequency target
- Failed tree lying on District property or public road or touching energized conductors**
- Dead tree with extensive decay visible to the inspector and a moderate to high frequency target.

Trees with this rating have the first priority for removal or pruning. The inspector will immediately send the required work to the district arboriculture crew or a prime contractor for mitigation. These trees shall be dealt with as soon as practical within work schedule limits. "Priority 1" trees will not invoke the requirement for Public Notification as prescribed in Section 5.0.

**** NOTE:** To be referred to BC Hydro

Priority 2

This is a tree that has one or more of the following characteristics:

- Visible fruiting bodies, signs or symptoms of known heart rot, and or root rot fungi.
- Unusual lean, (uncorrected, non-phototropic) with externally visible stem cracks
- Visible defect that could result in catastrophic failure of tree
- The tree is determined to be unsound after physical inspection
- Structural integrity of root system determined to be compromised after physical inspection
- Dead with minor decay visible to the inspector and a high frequency target.
- Obstruction of traffic signs *
- Interference with distribution or transmission lines **

Trees with this rating have second priority for removal or pruning. The inspector will ~~send the work to the Parks Department by fax or internal mail to be included in the next monthly contractor bid package to be sent to private contractors for work include this work in the next work package for the arboriculture crew or prime contractor bid package.~~

* **NOTE:** To be referred to the Traffic Department.

** **NOTE:** To be referred to BC Hydro.

Trees referred to the Traffic Dept or BC Hydro will be recorded and updated on *Permit Plan*.

Priority 3

Trees in this category have one or more of the following characteristics:

- Dead tree with a target of moderate to low frequency and minimal visible decay.
- ~~Encroachment of branches onto house and/or roots incurring some form of damage to boulevards or private property.~~
- Moderate encroachment where roots may be causing some form of damage to boulevards or hardscape infrastructure such as driveways, underground utilities or foundations (excluding lawns and landscaping) on private property.

- ~~Limbs interfering with residential utility feed~~
- Limbs obstructing driver visibility*
- Visible defect that could result in partial failure of tree with a *moderate to low frequency target*.

Trees with this rating have third priority for removal or pruning, but may be dealt with as the workload allows. Trees assessed as "Priority 3" will be documented for mitigation ~~and referred to the Parks Dept. for work~~ by District ~~staff~~ arboriculture crew, or for inclusion in the next or subsequent prime contractor bid package.

* **NOTE: To be referred to the Transportation Department.**

Priority 4

Trees in this category have one or more of the following characteristics:

- Moderate limb encroachment onto house or structure
- ~~Minor Limb and or root~~ encroachment to private property or structures
- ~~Excessive wind loading on trees with a moderate to low frequency target~~
- Limbs interfering with residential overhead utility services feed
- Trees that are growing near or beginning to encroach into private property causing no visible damage

Trees with this rating have fourth priority for removal or pruning. The annual budget allotted by Council for tree work and the work load will be the limiting factors in the determining when this work is completed. ~~If deferred, these trees will be documented and filed for review near the fiscal year-end and completed as budget and priorities allow.~~

Work in this category may be administered through the tree permit process (section 3.0)

Priority 5

Trees in this category have the lowest priority and can be attended to as the annual budget allotted by Council for tree work and as the work load allows.

Examples of Priority 5 are:

- Thinning of immature trees for stand management, including sustainable forest management objectives
- Inappropriate *volunteer trees* on boulevards, in road ends or right of ways
- Trees with none of the characteristics in the assessments for "Priority 1, 2, 3 or 4"

The annual budget allotted by Council for tree work and the work load will be the limiting factors in the determining when this work is completed. ~~If deferred, these trees shall be documented and filed for review near the fiscal year-end and completed as the budget and priorities allow.~~

Work in this category may be administered through the permit process (section 3.0)

Approval Date:	March 24, 1997	Approved by:	Regular Council
1. Amendment Date:	April 14, 1998	Approved by:	Regular Council
2. Amendment Date:	August 28, 2000	Approved by:	Regular Council
3. Amendment Date:		Approved by:	

The Corporation of the District of North Vancouver

Bylaw 7671

A bylaw to protect, preserve and conserve trees and their physical, societal, economic and environmental characteristics as associated with the forested character of the District of North Vancouver.

WHEREAS the Council for the Corporation of the District of North Vancouver wishes to protect and preserve certain trees within the *District*, including those trees defined in this bylaw as "protected trees" and "large-diameter trees" and to implement a permit system in connection with such trees,

The Council for The Corporation of the District of North Vancouver enacts as follows:

PART 1 INTRODUCTION

1. Citation

This Bylaw may be cited as the "**Tree Protection Bylaw**".

2. Administration of Bylaw

The *Environmental Protection Officer* and others designated by the Director of Planning, Permits and Bylaws are authorized to administer this Bylaw.

3. Definitions

In this Bylaw,

ancillary structures means man-made structures such as sheds, platforms, decks, stairs, steps, retaining walls, driveways, paths, sidewalks, fences, play houses, tree houses, gazebos, hot tubs and swimming pools, but excludes *permanent structures*.

arborist means a practitioner of arboriculture, which is the management and maintenance of ornamental or shade trees.

certified arborist means an arborist who is certified and in good standing with the International Society of Arboriculture.

certified tree risk assessor means a *certified arborist* who has also completed the "Tree Risk Assessment Course" and passed the Tree Risk Assessment exam under the authority of the International Society of Arboriculture.

Community Forester means the person appointed to that position by the *District Council* or its designate, and his or her designates.

critical root zone means the minimum portion or minimum spatial extent of a tree(s) the root system that is required ~~in order to maintain vitality or the health and stability of the~~ tree(s).

crown means the entire system of branches, leaves and reproductive structures of a *tree* extending away from the trunk or main stem(s).

cut means to limb, trim, top, prune dead or living any parts of a *tree*, or by any mechanical means remove any branch, foliage, root, stem, or other part of a *tree*, and "cutting" shall have a corresponding meaning.

damage means to take any action that may cause a *tree* to die or decline, including but not limited to girdling, ringing, poisoning, burning, excessive crown lifting, soil compaction, depositing or removing soil, *depositing* toxins on any part of a *tree* or into groundwater taken up by a *tree*, placing concrete or any other hard surface within the drip line of a *tree*, blasting within 5 metres of the *drip line*, excessive pruning of the crown, branches, limbs and or roots, and pruning in a manner not in accordance with "American National Standards Institute Publication A300-1995" and the companion publication "Best Management Practices – Tree Pruning, 2002".

DBH means diameter of the stem of a *tree* at breast height, except where the *tree* has multiple stems at such a point, in which case the DBH of such *tree* shall be the sum of 100% of the diameter of the largest stem and 60% of the diameter of each additional stem, all measured at breast height, and breast height for the purposes of such measurements shall be deemed to be 1.3 metres above the natural grade on the uphill side of the *tree*.

deposit means place, move, discharge, spray, spill, leak, seep, pour, emit, store, stockpile, or release directly or indirectly into or onto the land, air, soil and groundwater such that damage to a *tree* results, and *depositing* has a corresponding meaning.

development means the act, process or result of *landscaping* or the placement and/or construction of *permanent structures*, *ancillary structures* or utility services on land.

District or **DNV** means The Corporation of the District of North Vancouver.

District Council means the municipal council of the *District*.

drip line is the area located directly under the outer circumference of the unaltered *tree* canopy, and where *trees* have been cut or pruned the *drip line* shall be located at the outside edge of the *tree's* natural crown spread, given the species and age of the tree and taking into account pre-existing site conditions.

Environmental Protection Officer means the person appointed to that position by the *District Council* or its designate, and his or her designates.

Fees and Charges Bylaw means the *District's* Fees and Charges Bylaw, Bylaw 6481, as amended or replaced from time to time.

hazardous means assessed to be in a condition dangerous to people or property as reported by a *certified tree risk assessor* adhering to the "Tree Risk Assessment in Urban Areas and the Urban/Rural Interface Manual" or an industry-recognized equivalent acceptable to the *District*.

heritage tree means a designated *tree* that has been determined to be of significant value to the community because of special characteristics such as size, age, uniqueness of species, uniqueness of ecosystem, or heritage or landmark value.

in-stream work means any *work* that is capable of altering or controlling the flow of water in a stream, or damaging, weakening or reducing the ability of the bank, bed or channel of a stream to carry storm or flood waters, or interfering with or eliminating vegetation from the riparian area, and includes, without limitation, a wall, crib, weir, dam, rip-rap and other forms of erosion protection.

landscaping means the disturbance, alteration or modification of land.

large-diameter tree means any *tree* having a *DBH* of 75 centimetres or more that is not also a *protected tree*.

Manager means the *District's* Director of Permits, Planning and Bylaws or the Manager of Development Services and the designates of each.

natural boundary means the visible high water mark of any stream, or of the ocean where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark the soil of the bed of the body of water with a character distinct from that of its banks, in vegetation or in the nature of the soil itself.

permanent structure means any long lasting foundation, building or structure placed or erected on a secure pad or footing that was lawfully constructed, placed or erected in accordance with any DNV bylaw or approval condition in effect at the time of construction, placement or erection, building or structure that was lawfully constructed, placed or erected on a secure and long-lasting foundation, pad or footings on land in accordance with any DNV bylaw or approval condition in effect at the time of construction, placement or erection.

potential streamside vegetation is considered to exist if there is a reasonable ability for regeneration or growth of vegetation either with assistance through enhancement or naturally, but an area covered by a *permanent structure* or *ancillary structure* is considered incapable of supporting *potential streamside vegetation*.

protected area means an area adjacent to a *stream* that links aquatic to terrestrial ecosystems and includes both existing streamside vegetation and *potential streamside vegetation*, and both existing and potential upland vegetation that exerts an influence on the *stream*, and the width of the *protected area* shall be measured as follows:

- a) subject to subsections (b) and (c) of this definition, from the centreline of the *stream* to a point 15 metres distant from the *top of bank* of the *stream*, measured horizontally from the *top of bank* of the *stream*;
- b) if the stream is located in a *ravine* that is greater than 60 metres in width, from the centreline of the *stream* to a point 10 metres distant from the *top of bank* of the *ravine*, measured horizontally from the *top of bank* of the *ravine*; and
- c) for parcels greater than 0.5 hectares in size located on or adjacent to the Capilano River, Lynn Creek or Seymour River, or located on or adjacent to Mackay Creek at any point south of Marine Drive, the area from the centreline of the *stream* to a point 30 metres

distant from the *top of bank of the stream* measured horizontally from the *top of bank of the stream*.

protected tree means:

- a) any *tree* on land owned by or in the possession of the *District*, including, without limitation, a *tree* in a park or on a boulevard, road or lane allowance;
- b) any *tree* within a *protected area*;
- c) any *tree* on *sloping terrain*;
- d) any *replacement tree*;
- e) any *retained tree*;
- f) any *heritage tree*;
- g) any *wildlife tree*;
- h) any *tree* located on *wetland* or *waterfront*;
- i) any *tree* of the following species:
 - i. *Arbutus (Arbutus menziesii)*;
 - ii. *Garry Oak (Quercus garryana)*;
 - iii. *Oregon Ash (Fraxinus spp)*;
 - iv. *Pacific Yew (Taxus brevifolia)*;
 - v. *Western White Pine (Pinus monticola)*; or
 - vi. *Yellow-cedar (Chamaecyparis nootkatensis)*.

ravine means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

replacement tree means a *tree* required in accordance with this Bylaw to be planted, either on the subject site or at another location, to replace a *tree* that has been cut, removed or damaged, or a *tree* planted as a condition of subdivision or other municipal approval.

retained tree means a *tree* that must be permanently protected pursuant to a registered covenant or otherwise.

remove means to entirely sever the main stem of or fell a *tree*, and "removed", "removal" and "removing" shall have corresponding meanings.

slope angle means the percent gradient of a slope over a horizontal distance of six metres, calculated as follows:

$$\text{slope angle (\%)} = 100 \tan(\text{angle})$$

where "angle" is the angle, measured in degrees, between the sloping land and the horizontal axis, and where the angle is in degrees.

sloping terrain means land with a *slope angle* greater than 30% over a vertical distance of 3 metres or more.

stream includes any of the following:

- a) ~~fish-bearing stream, non-fish-bearing stream, permanent stream, non-permanent stream, drainage works, whether usually containing water or not, spring, pond, lake, wetland, groundwater, or other source of water supply. A pond, lake, river creek or brook whether it usually contains water or not; and~~
- >b) A ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a);

top means to entirely sever the stem of a *tree* such that the upper stem and branches of the *tree* are completely removed, resulting in an abruptly truncated stem, and *topping* and *topped* shall have corresponding meanings.

top of bank means the first significant break in a slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break, and the break does not include a bench within a *ravine* that could be developed.

tree means a woody perennial plant having a DBH of at least 10 centimetres.

tree permit means a permit issued pursuant to this Bylaw by the *Environmental Protection Officer* or the *District's* Director of Planning, Permits and Bylaws or the designate of either, authorizing the pruning, cutting or removal of one or more *protected trees* or *large-diameter trees*.

tree protection barrier means a sturdy temporary or permanent fence or barrier at least 1.2 metres in height, with wood-framed top and side rails or equivalent.

vegetation means, collectively, native and/or naturalized plant life occupying terrestrial or aquatic habitat.

waterfront means the land lying between a line measured horizontally 30 metres inland from the *natural boundary*.

wetland means land that is inundated or saturated by surface or groundwater with such frequency and for such duration as is sufficient to support, and under normal conditions does support, obligate hydrophytes or other vegetation typically adapted for life in saturated soil conditions, and includes, without limitation, swamps, marshes, bogs and similar sites, and all land above and within 30 metres measured horizontally from the boundaries of such sites, and without limiting the generality of the foregoing, includes those areas designated and delineated on attachments A.2 - Mackay Creek Marsh, A.3 - Hogan's Pools, and A.4 - Park Street Marsh of Bylaw 6515.

wildlife tree means a *tree* that provides present or future habitat for the maintenance or enhancement of wildlife, as defined in the British Columbia Wildlife Tree Classification System published in "Wildlife Tree Management in British Columbia" by the Workers'

Compensation Board, British Columbia Silviculture Branch and Canada-British Columbia Partnership Agreement on Forest Resource Development, 1993.

work means any activities connected with *landscaping*, the *pruning* or *removal* of a *tree*, the *pruning* or *removal* of *vegetation*, the removal of soil, the *deposit* of soil or other material, the construction of *permanent structures* or *ancillary structures*, *in-stream work* and the installation of drainage works, but does not include the regular maintenance of planted gardens and/or lawns.

Zoning Bylaw means the *District's Zoning Bylaw*, Bylaw 1965, as amended from time to time.

PART 2 PROHIBITIONS

Failure to Comply with Tree Permit

4. No person shall fail to comply with the terms and conditions of a *tree permit* issued pursuant to this Bylaw.

Cutting, Damaging and Removal Prohibited

5. No person shall *cut*, *damage* or *remove*, or permit or cause to be *cut*, *damaged* or *removed*, a *protected tree*:
 - a) without a *tree permit* issued pursuant to Part 5 of this Bylaw; or
 - b) contrary to a *tree permit* issued pursuant to Part 5 of this Bylaw.

Notwithstanding this section 5, if a *tree* is a *protected tree* only because it is owned by the *District*, then if the branches of such tree encroach upon a person's land, that person may prune such tree back to his or her property line without a permit, provided that such pruning does not result in *damage* to a *protected tree*.

6. No person shall *cut*, *damage* or *remove*, or permit or cause to be *cut*, *damaged* or *removed*, a *large-diameter tree*:
 - a) without a *tree permit* issued pursuant to Part 5 of this Bylaw; or
 - b) contrary to a *tree permit* issued pursuant to Part 5 of this Bylaw.

Other Prohibitions

- ~~7. No person shall *remove*, or apply for a *tree permit* for the *removal* of, a healthy *protected tree* in order to improve view and/or sunlight or to abate twig, leaf, or needle drop.~~

8. ~~No person shall damage or remove, or cause or permit to be damaged or removed, a retained tree, and no tree permit will be issued in connection with such damage or removal.~~

9. ~~No person shall damage or remove, or cause or permit to be damaged or removed, a heritage tree designated under Part 4 of this Bylaw, and no tree permit will be issued in connection with such damage or removal.~~

PART 3 TREE PROTECTION DURING DEVELOPMENT

Application

- | **40.7.** This part applies to *retained trees* during *development* of the lands on which they are located.

Requirement for Tree Protection Barrier

- | **41.8.** A person performing *work* on lands containing one or more *retained trees* shall:
- a) install a *tree protection barrier* around any *retained tree* or group of *retained trees* at the *drip line* of the outermost *tree*, the outside boundary of the *critical root zone* of the outermost *tree*, or 5 metres from the stem of the outermost *tree*, whichever is greatest;
 - b) ensure that such *tree protection barrier* is constructed of chain link or plywood fastened to solid wood or equivalent framing with railings along the tops, sides and bottom, or is constructed of materials otherwise satisfactory to the *Environmental Protection Officer*;
 - c) display signage indicating that the area within the *tree protection barrier* is a "protection zone," and stating that no encroachment, storage of materials or *damage to trees* is permitted within the "protection zone;"
 - d) arrange for inspection by the *Environmental Protection Officer* before any *work* commences, and refrain from commencing *work* until the *Environmental Protection Officer* has approved the *tree protection barrier*, and
 - e) ensure that the *tree protection barrier* remains in place until written approval of its removal is received from the *Environmental Protection Officer*.
- | **42.9.** No *work* is permitted within the "protection zone" referred to in section 11(c) except in accordance with plans and procedures authorized by a *tree permit*.

PART 4 HERITAGE TREES

Currently Designated Heritage Trees.

- | **43.10.** The *trees* identified in Schedule A are hereby designated as *heritage trees* for the purpose of this Bylaw.

Procedure to Nominate Additional Heritage Trees

- 14.11. A person may nominate a *tree* not identified in Schedule A as a *heritage tree* if such *tree* meets the *District's* criteria for a *heritage tree*, and the *District Council* shall determine, in its sole discretion, whether such *tree* shall be designated as a *heritage tree*.

PART 5 APPLICATION FOR TREE PERMIT

Information Required to Accompany a Tree Permit Application

- 15.12. An application for a *tree permit* in connection with any of the following shall be accompanied by the information described in this section:

- a) for *work* involving a *tree* on *District* property, the application must include a statement of purpose and rationale for the proposed *tree work* on *District* property, including the number and locations of *trees* involved and the *work* to be performed, and must describe the cutting and/or removal methods to be used;
- b) for *work* involving a *protected tree* on private property, the application must include a report from a *certified arborist* and/or a *certified tree risk assessor*, if applicable, stating the purpose and rationale for the proposed *tree work*; the report should include the following:
 - i. consent from the owner of the *tree*, in writing;
 - ii. consent from all owners of the *tree*, in writing, where the *tree* straddles a property line(s);
 - iii. a description of the proposed *work*;
 - iv. a site plan indicating the location of *tree* or *trees* to be *cut* or *removed*;
 - v. an inventory of all *protected trees* and *large-diameter trees* and a description of all topographic and hydrographic features, *ancillary structures*, *permanent structures*, roads and other pertinent features on the subject property;
 - vi. a description of the *cutting* and/or *removal* methods to be used and the *tree* protection measures that shall be used to protect any *retained trees*;
 - vii. where *tree(s)* are on *sloping terrain*, a report signed by a registered professional engineer, geoscientist or forester that any proposed *pruning* or *removal* shall not result in an increased risk or danger of flooding, erosion or slope instability;
 - viii. a proposed replanting plan indicating the location, species, size, and class of *tree(s)* or *vegetation* to be planted; and
 - ix. a copy of any applicable federal or provincial approval if required;
- c) for *work* involving a *large-diameter tree* on private property, the application must include:
 - i. a report from a *certified tree risk assessor*, if the *tree* is to be declared hazardous;
 - ii. a description of the proposed *work*;
 - iii. a site plan indicating the location of *tree* or *trees* to be *cut* or *removed*;
 - iv. an inventory of all *protected trees* and *large-diameter trees* and a description of all topographic and hydrographic features, *ancillary structures*, *permanent structures*, roads and other pertinent features on the subject property;
 - v. a description of the *cutting* and/or *removal* methods to be used and the *tree* protection measures that shall be used to protect any *retained trees*;

- vi. a proposed replanting plan indicating the location, species, size, and class of *tree(s)* or *vegetation* to be planted; and
- vii. a copy of any applicable federal or provincial approval if required; and

- d) a proposed replanting plan indicating the location, species, size, and class of *tree(s)* or *vegetation* to be planted;
- e) notwithstanding the above if a *tree* exhibits obvious signs of significant damage or disease or is obviously dead the Environmental Protection Officer upon notification from the *tree(s)* owner shall determine which, if any, of the above requirements apply

Refusal to Issue Tree Permit

16.13. The *Environmental Protection Officer, Community Forester or Manager* may refuse to issue a *tree permit* if:

- a) the *tree* or *trees* do not meet any of the criteria set forth in subsections 1417 (a), (b) and (c) of this Bylaw;
- b) the *tree* is on land owned or in the control of the District of North Vancouver;
- c) the subject *tree* is a *protected tree* and the proposed *work* would adversely affect the health and survival of the *tree*, materially alter the character of the *tree*, affect slope stability or the ecology of the area, is not required to maintain the health or stability of the *tree*, or is contrary to a permit issued pursuant to this Bylaw;
- d) the proposed *work* would involve *topping* the *tree*, and such *tree* has not previously been *topped* in accordance with a valid *tree permit*;
- e) the subject *tree* is a *heritage tree* and the proposed *work* would *damage* such *heritage tree* or result in its *removal*; or
- f) the subject *tree* is a *heritage tree* and the proposed *pruning* of such *heritage tree*:
 - i. would alter the character of the *tree*;
 - ii. is not required to maintain the health or stability of the *heritage tree*; or
 - iii. is contrary to any other permit issued pursuant to Part 5.

However, a permit for minor *work* on a *tree* for the purpose of wind firming, improving the aesthetics or shape of a *tree*, access to natural light, reasonable view access or similar purpose shall not be unreasonably withheld.

Tree Permits Required to be Issued

17.14. Notwithstanding section 1316 of this Bylaw, unless 16(b) and 16(c) apply, if:

- a) a *certified arborist* provides a report to the satisfaction of the *Environmental Protection Officer, Community Forester or Manager* that a *tree* is an unreasonable hazard to the safety of persons or property, or where the applicant has otherwise demonstrated to the satisfaction of the *Environmental Protection Officer, Community Forester or Manager*

that the *tree* is *hazardous*, dead, damaged, diseased or in decline beyond expectation of recovery as per the "Tree Risk Assessment in Urban Areas and the Urban/Rural Interface Manual;" or

- b) the *Environmental Protection Officer, Community Forester or Manager* or other duly authorized *District* representative, or an engineer, geoscientist or forester employed by any public utility, or a *certified arborist*, provides clear evidence satisfactory to the relevant *District* representative that a *tree* is impairing, interfering or damaging the normal operation of sewers, drains, water lines, septic fields, electrical lines, *permanent structures*, 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 *tree*; or
- c) ~~a tree prevents the owner of a parcel on which the tree is located from developing or using the parcel in a manner permitted under the Zoning Bylaw, and the development or use of the parcel cannot be modified to accommodate the tree without causing the owner undue hardship as determined by the Environmental Protection Officer, Community Forester or Manager;~~

then the *Environmental Protection Officer, Community Forester or Manager* shall issue a *tree permit* for the removal of such *tree*.

Permit for large-diameter tree

18.15. Subject to receipt of an application in the proper form and payment of the application fee, the *Environmental Protection Officer, Community Forester or Manager* shall issue to an owner or the owner's agent a *tree permit* for the removal of or damage to a *large-diameter tree* on the following conditions:

- a) If the subject lot will have less than 20% canopy cover remaining after the removal of or damage to the relevant *large-diameter tree* or trees, then:
 - i. if the subject lot is less than **420** square metres in area, the applicant must plant one *replacement tree* for every *large-diameter tree* removed or damaged;
 - ii. if the subject lot is **420** square metres or more in area, the applicant must plant three *replacement trees* for every *large-diameter tree* removed or damaged;
- b) If one or more *replacement trees* are required under this section 1548 as a condition of permit issuance, the applicant may, instead of providing such *replacement tree* or *replacement trees*, pay the additional environmental compensation permit fee specified in Schedule Y to the *Fees and Charges Bylaw*, which environmental compensation permit fee shall be used by the District for planting trees and upgrading, improving or maintaining forested areas elsewhere within the District; and
- c) If the subject lot will have more than 20% canopy cover after the removal of or damage to the relevant *large-diameter tree* or trees, no *replacement trees* or additional environmental compensation fee will be required.

Form

Revocation of Tree Permit

- | **19.16.** The *Environmental Protection Officer, Community Forester or Manager* may revoke a *tree permit* if the terms and conditions of the *tree permit* have been breached or the information supplied by the applicant in support of the *tree permit* is determined by the *Environmental Protection Officer, Community Forester or Manager* to have been inaccurate, incomplete, misleading or erroneous.

Conditions

- | **20.17.** In connection with the issuance of a *tree permit*, the *Environmental Protection Officer, Community Forester or Manager* may impose conditions, including, without limitation, any or all of the following:
- a) that the *cutting and/or removal of a tree or trees* be carried out under the direct supervision of a *certified arborist*;
 - b) that a specific *tree or trees* be *cut or removed*;
 - c) that *replacement trees* and/or other vegetation be planted, and specifying the required species, size, location and other characteristics of such *replacement trees* and/or vegetation and the length of time for which such *replacement trees* and/or vegetation must be maintained;
 - d) that a *certified arborist* be employed to supervise, monitor or report on any *work*;
 - e) that a report by a qualified professional be provided, confirming that the *tree permit* and the *work* is consistent with provincial or federal laws; and
 - f) that specific forms of tree protection be used or provided.

Replacement Trees

- | **21.18.** Except where a *tree permit* is issued as a remediation measure for the unlawful *pruning or removal of a tree*, if a person *cuts a protected tree* without, or contrary to, a *tree permit*, the *Environmental Protection Officer, Community Forester or Manager* may require the planting and maintenance of *replacement trees*, specify the required number, species, size and other characteristics of such *replacement trees*, specify the required period for which such *replacement trees* shall be maintained, and specify the time by which such *replacement trees* shall be provided.

PART 6 PERMIT FEES and SECURITIES

Prior to the issuance of a tree permit

- | **22.19.** The *Environmental Protection Officer, Community Forester or Manager* may require an applicant for a *tree permit* to provide security in the form of cash, certified cheque, or an

unconditional, irrevocable letter of credit drawn on a Canadian chartered bank in a form acceptable to the Director of Financial Services in an amount equal to 125% of either the estimated cost of the work to be performed under the *tree permit*, including the cost of obtaining and planting any *replacement tree(s)*, with such costs to be estimated by the *District*, or the appraised value of the *tree(s)* according to the International Society of Arboriculture, to a maximum of \$10,000, in order to ensure compliance with provisions of this Bylaw and the terms and conditions of the *tree permit*.

Liability and Security Deposit

- | **23.20.** Prior to issuance of a *tree permit* for work on land owned by the *District*, an applicant or his/her designated contractor, as applicable, is required be in good standing with WorkSafe B.C. and to obtain and maintain at all times during the period of validity of the *tree permit* public liability insurance in the amount of \$5,000,000 in connection with the obligations under this Bylaw, which insurance policies shall include deductibles and terms satisfactory to the *District*, shall name the *District* as an "Additional Named Insured", and shall provide that the insurer shall notify the *District* in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of such policy to the *Environmental Protection Officer* or other authorized person upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

Drawing on Security Deposit

- | **24.21.** If the applicant has not complied with the terms and conditions of a *tree permit* or the provisions of this Bylaw one month prior to the expiry date of the letter of credit, the *District* may use all or a portion of the security deposit or call for and receive the funds secured by the letter of credit and use the funds to ensure that the work under the *tree permit* is completed and the inspection fees prescribed in Schedule Y of the *Fees and Charges Bylaw* are paid. The *District's* authorized representative may also call for and receive the funds secured by the letter of credit and retain the funds until the applicant delivers a replacement letter of credit to the *District* in the same form and amount; and at the discretion of the *District*, all or part of this security may be held for up to three years of issuance of the *tree permit* to ensure the survival of *replacement tree(s)*.

Fees

- | **25.22.** The *Environmental Protection Officer*, *Community Forester* or *Manager* shall charge the fees set out in Schedule Y to the *Fees and Charges Bylaw* in connection with:
- a) tree permits; and
 - b) inspections and re-inspections that the *Environmental Protection Officer* or others are required or permitted to perform pursuant to this Bylaw.

Inspection Procedure

- | **26.23.** The *Environmental Protection Officer*, *Community Forester* or *Manager* shall:
- a) record all inspection records on an Environmental Inspection Report or Order to Comply, a copy of which shall be left at the site and another copy of which shall be filed with the

Building Department; and

- b) determine if an inspection fee is to be charged in accordance with Schedule Y of the Fees and Charges Bylaw.

Any request for a third or subsequent additional inspection shall be made through the Building Department. Fees for the third and subsequent inspections shall be invoiced by the Building Department and paid in full prior to inspection taking place.

Works Conducted Without a Permit

- | **27.24.** If a person commences any *work or development* for which a *tree permit* is required pursuant to this Bylaw is commenced without a *tree permit*, such person shall pay double the fee prescribed in Schedule Y of the *Fees and Charges Bylaw*.

Maintaining Validity of a Permit

- | **28.25.** All *tree permits* shall be valid:

- a) for no more than one year following issuance; and
- b) only if and for so long as:
 - i. *work or development* done under the *tree permit* conforms with the provisions of this Bylaw, including the terms and conditions of the *tree permit*;
 - ii. all federal and provincial approvals remain in effect;
 - iii. all information provided in support of the application for the *tree permit* is correct; and
 - iv. any person providing services required under this Bylaw has adequately met the requirements of this Bylaw.

- | **29.26.** A *tree permit* shall automatically expire one year after issuance, at which time a new *tree permit* application shall be required and the applicant shall again be required to pay any applicable fees.

PART 7 AUTHORITY

- | **30.27.** The *Environmental Protection Officer, Community Forester or Manager* may:

- a) issue, revoke, place conditions upon, and refuse to issue *tree permits* in accordance with this Bylaw;
- b) retain the services of an independent *certified arborist* to review the report of another *certified arborist* that has submitted a report pursuant to this Bylaw in connection with an application for a *tree permit*, in order to verify or reassess any information contained in the original report, and the *Environmental Protection Officer, Community Forester or Manager* may, in his or her sole discretion, rely on either report in determining whether to issue, revoke or place conditions on a *tree permit*;

- c) require security under Part 6 of this Bylaw prior to issuing a *tree permit*;
- d) exempt an application for a *tree permit* from the requirements of Part 5 if the information to be submitted has been otherwise provided to the *District*;
- e) establish which of the terms and conditions set out in Part 5 necessarily apply to the issuance and use of a *tree permit* to achieve the purposes of that Part;
- f) without limiting any of the *Environmental Protection Officer, Community Forester* or *Manager's* other enforcement powers, require a person to provide and maintain a *replacement tree* or *trees* in the event that a *protected tree* is *damaged, cut* or *removed* without a *tree permit* or contrary to an issued *tree permit*;
- g) require the provision of *replacement trees* as set forth in section 1824 of this Bylaw;
- h) charge and collect those fees prescribed in Schedule Y of the *Fees and Charges Bylaw* or this Bylaw;
- i) serve on any person who has not complied with a *tree permit* or a provision of this Bylaw an order to comply; and
- j) enforce this Bylaw and issue tickets in accordance with Part 8 of this Bylaw.

PART 8 ENFORCEMENT

Inspection and Orders to Comply

34.28. The *Environmental Protection Officer, Community Forester* or an *Environmental Control Technician, Bylaw Enforcement Officer, Building Inspector, Engineering Design Coordinator, Engineering Administration Technician, Construction Inspector* or *Field Arborist* may at any reasonable time or times enter upon any property for the purposes of inspection to determine compliance with the provisions of this Bylaw or a *tree permit* issued pursuant to this Bylaw, and may serve on a person who has not complied with the provisions of this Bylaw or a *tree permit* an Order to Comply with such provisions, requiring the person to remedy the non-compliance within 14 days or by such other date as is deemed reasonable in the circumstances by the *Director of Planning, Permits and Bylaws* or his or her delegate, and may charge the fees set forth in Schedule Y of the *Fees and Charges Bylaw* in connection with such inspection(s).

Service of an Order to Comply

32.29. An Order to Comply given pursuant to section 2834 of this Bylaw may be served by leaving the Order to Comply and a copy of any related inspection report at any dwelling on the subject site, or by personal service on the holder of or applicant for the *tree permit* or on the owner of the subject site, or by return registered mail to the address of the holder of or applicant for the *tree permit* as it appears on the application for such *tree permit*. An Order to Comply served by registered mail shall be deemed to have been delivered on the third day after mailing. An Order to Comply served personally or by leaving a copy at the site

Form
English

shall be deemed to have been delivered on the day on which it was personally served or left at the site.

Application for Reconsideration

- | **33.30.** An application for reconsideration by Council shall be made in writing to *District Council*, care of the Municipal Clerk, and shall include:
- a) all information provided along with the original *tree permit* application;
 - b) the Order to Comply, if applicable;
 - c) all correspondence between the applicant and the *Environmental Protection Officer*; and
 - d) the reasons for the application for reconsideration.

Obstruction

- | **34.31.** A person shall not interfere with, delay, obstruct or impede the *Environmental Protection Officer*, the *Community Forester*, a Bylaw Enforcement Officer, a designate of either or any other person lawfully authorized to enforce this Bylaw in the performance of his or her duties or exercise of his or her powers under this Bylaw.

Offence and Penalties

- | **35.32.** Every person:
- a) who violates or causes or allows to be violated any of the provisions of this Bylaw is guilty of an offence, and of a separate offence on each day on which the violation is caused or allowed to continue; and
 - b) who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not more than \$10,000 in addition to the costs of prosecution.

Designation of Bylaw

- | **36.33.** This Bylaw is designated pursuant to section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed.

Enforcement Authority

- | **37.34.** The *Environmental Protection Officer*, the *Community Forester* and the *District's* Environmental Control Technician, Field Arborist, Bylaw Enforcement Officers and Building Inspectors are designated to enforce this Bylaw by means of a ticket pursuant to sections 264 of the *Community Charter*.

Ticketing

- | **38.35.** The words or expressions listed below in the designated expression column are authorized to be used on a ticket issued under section 264 of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the

section column. The amounts appearing in the fine column are the fines set pursuant to section 264 of the *Community Charter* for contravention of the respective section of the Bylaw appearing opposite in the section column:

Designated Expression	Section	Fine
cut tree without permit	5a, 6a or 7a.	\$500.00
cut tree contrary to permit	5b, 6b or 7b.	\$500.00
remove tree without permit	5a, 6a or 7a.	\$1,000.00
remove tree contrary to permit	5b, 6b or 7b.	\$1,000.00
damage tree without permit	5a, 6a or 7a.	\$500.00
damage tree contrary to permit	5b, 6b or 7b.	\$500.00
damage or remove heritage tree	9	\$1,000.00
failure to install/maintain tree protection barrier	11	\$250.00
damage retained tree	8	\$500
failure to provide replacement tree	18 or 21	\$1000500.00

Severability

39.36. If any section, subsection or clause of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw

Effective Date

40.37. The effective date of this Bylaw is _____.

READ a first time this the 11th day of July, 2011

READ a second time this the 11th day of July, 2011

READ a third time this the 11th day of July, 2011, as amended.

ADOPTED this the _____ day of _____,

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

SCHEDULE A

DESIGNATED HERITAGE TREES

<u>NAME</u>	<u>LOCATION</u>
1. Copper Beach (<i>Fagus sylvatica</i> 'Cuprea')	355 W Queens Rd
Comments: This mature specimen, approximately 70 feet high, remains from the landscaping of the boy's school which was formerly on this site. The tree is in very good condition, and is typical of English style landscaping.	
2. Damson Plum (<i>Prunus inipitia</i> 'Damson')	355 W Queens Rd
Comments: Also remaining from the landscaping of the boy's school, its ornamental fruit tree is in very good condition. The billowy shape results from the weight of the fruit, and provides good shade.	
3. Horse Chestnut (<i>Aesculus hippocastum</i>) trees	100 – 300 Block E Kings Rd
Comments: These street trees were planted by the North Lonsdale Ratepayers Association as a local area improvement. They are unusual for having been planted on the south side of the street only.	
4. Black Locust (<i>Robina pseudoacacia</i>) tree	299 E Kings Rd
Comments: This very large and old specimen exists in conjunction with a primary heritage building, the Davidson House. It provides dappled shade, and the leaves turn bright yellow in the fall.	
5. Tulip (<i>Liriodendron tulipifera</i>) tree	461 E Kings Rd
Comments: Planted in conjunction with a primary heritage building, the Jacobs House, the flowers of this ornamental tree are small and yellow, and resemble tulips, hence its name.	
6. Spanish Chestnut (<i>Castanea sativa</i>) tree	382 E St James Rd
Comments: An unusual specimen, also known as a Sweet Chestnut, this ornamental tree is part of the landscaping of a secondary building, the Brown House.	
7. Black Walnut (<i>Juglans nigra</i>) tree	390 E Kings Rd
Comments: This large, mature and healthy specimen is part of the landscaping of the Ward House, a secondary heritage building.	

NAMELOCATION

8. Giant Sequoia (*Sequoiadendron giganteum*)

Carisbrooke Park

Coast Redwood (*Sequoia sempervirens*)

Native Larch (*Larix occidentalis*)

Blue Cedar (*Cedrus atlantica* Glauca)

9. Sitka Spruce (*Picea sitchensis*)

1458 E 29th St

Comments: The historic Allen House, built circa 1905, boasts many features of its early landscaping, including this large specimen Sitka Spruce.

10. Walnut (*Juglans Regia*)

1045 Cortell St

Comments: The tree straddles the property line between 1045 Cortell St and the Cortell Street road allowance on the north western area of the 1045 Cortell St property.

THIS PAGE LEFT BLANK INTENTIONALLY