

# AGENDA

## *COUNCIL WORKSHOP*

**Tuesday, October 3, 2017**

**5:00 p.m.**

**Committee Room, Municipal Hall**

**355 West Queens Road,**

**North Vancouver, BC**

**Council Members:**

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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## **COUNCIL WORKSHOP**

**5:00 p.m.**  
**Tuesday, October 3, 2017**  
**Committee Room, Municipal Hall,**  
**355 West Queens Road, North Vancouver**

### **AGENDA**

#### **1. ADOPTION OF THE AGENDA**

##### **1.1. October 3, 2017 Council Workshop Agenda**

*Recommendation:*

THAT the agenda for the October 3, 2017 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

#### **2. ADOPTION OF MINUTES**

#### **3. REPORTS FROM COUNCIL OR STAFF**

##### **3.1. Tree Policy Amendments**

**p. 7-32**

File No.

*Recommendation:*

THAT staff be directed to bring the amended Corporate Policy "Tree Work in the District" forward to a Regular Meeting of Council for consideration.

##### **3.2. Tree Permit Update**

**p. 33-41**

File No. 13.6780/Tree Management/File

*Recommendation:*

THAT the September 22, 2017 joint report of the Acting Section Manager – Environmental Sustainability and Community Forester entitled Tree Permit Update is received for information.

#### **4. PUBLIC INPUT**

(maximum of ten minutes total)

#### **5. ADJOURNMENT**

*Recommendation:*

THAT the October 3, 2017 Council Workshop is adjourned.

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## REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>October 3, 2017</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	GM/ Director	FOR CAO
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## The District of North Vancouver REPORT TO COMMITTEE

September 25, 2017

File:

**AUTHOR:** Wayne Maskall, Section Manager Natural Parkland

**SUBJECT:** Tree Policy Amendments

### RECOMMENDATION:

THAT staff be directed to bring the amended Corporate Policy "Tree Work in the District" forward to a Regular Meeting of Council for consideration.

### REASON FOR REPORT:

#### Introduction

The District OCP sets out the objective to protect our forested character and enhance the health of the trees. Specifically, the OCP provides direction, guidelines and policies around the community's goal for protection and enhancement of DNV urban forested areas.

Recently, issues with these urban forested areas have begun to arise, in large part due to the age of our forested areas, select species of trees within these areas, and the effects of climate change and development. Staff have begun to develop solutions to some of these issues, while striving to maintain the Districts' forested character – amendments to the Tree Policy have been recommended in an effort to proactively address some of these issues.

#### Background

The Tree Work in the District Policy is a document that outlines the responsibilities and procedures for working on DNV owned trees. It is part of the hazard tree management program administered by the Parks Department, and adheres to the regulations set out within the Tree Protection Bylaw.

In 2016, Council asked staff to review the Tree Policy, with the goal being a more proactive approach towards the management of trees on District property. Council asked staff to explore the ability to add more flexibility and adaptability to the Policy, specifically when dealing with trees located in unopened road and laneway allowances, greenbelts, forest interface areas and in close proximity to Hydro lines.

#### Recommendations

In response to Council's direction, staff from both the Parks and Environment Departments collaborated, and reviewed existing tree policies from other municipalities within the province. Staff have developed revisions to the Tree Policy, that will provide more flexibility when dealing with otherwise healthy trees located on District property, as follows;

- **Tree Risk Assessments** – the Policy has been amended to align tree risk assessments performed by District Arborist with internationally accepted standards, as outlined and defined by the International Society of Arboriculture's Tree Risk Assessment Qualification (TRAQ) system. This will provide more consistency in reviews of potentially problematic trees on District property.
- **Nuisance trees** – The Policy has been amended to include a section specific to nuisance trees. It states, *"Requests for removal of otherwise healthy trees which pose an actionable nuisance due to species, size, location or condition, and where all other mitigation efforts have been exhausted, will be considered on a case-by-case basis. If removal is allowed, replacement with trees and/or appropriate vegetation will be required as compensation."* A definition for *actionable nuisance* has been added to the Policy. Defining and categorizing "nuisance trees" will allow District Arborists to evaluate, and potentially remove otherwise healthy trees, provided the criteria are met.
- **Permits for Actionable Nuisance Trees** – the Policy has been amended to include a clause that states, *"Permits for removal of actionable nuisance trees, located in unopened lane allowances, road allowances, and other District owned land, will not be unreasonably withheld, subject to the restitution requirements as established under this policy."*
- **Tree Hazard Priority Rating** – tree hazard priority ratings within the Policy have been amended to provide more clarity in determining hazard ratings - streamlining the removal of potentially "border line" trees.
- **Tree Species / Location** – the Policy has been amended to allow District Arborists to consider trees species (Cottonwood, Alder and Hemlock), size, condition and location in their decision making with respect to healthy or potentially "border line" trees.
- **Dispute Resolution / Arbitration** – a formal Dispute Resolution / Arbitration section has been added to the Policy, enabling residents to appeal decisions made by the District Arborist or Community Forrester to an appointed arbitration panel (comprised of senior management), rather than appearing before Council.
- **Housekeeping Items** – the Policy has been amended to include several minor housekeeping items that have no direct impact on the interpretation of the Policy.

Staff have met with **BC Hydro** and been informed that District Arborists have no jurisdiction over trees located beneath, or in close proximity to, Hydro distribution or transmission lines. These trees are managed and maintained exclusively by BC Hydro, or their contractors, under the Hydro Act. BC Hydro has, however, committed to improved communications with the District prior to undertaking significant tree work on District property; DNV staff and Hydro will continue to meet on a regular basis to discuss upcoming projects and review work plans, BC Hydro will



communicate directly with DNV Communications when large projects are being undertaken, and neighborhood notification will be improved.

Parks management has included supplemental resources within its 2017 arboriculture budget, and will engage a consultant to evaluate and prepare a prescription for proactive forest management in some of the District's more problematic forest interface areas.

### Concurrences

The Parks and Environment departments are in concurrence with the recommended amendments.

### Summary

Approval of the recommended amendments to the Tree Policy will enable District Arborist to more proactively manage trees on District property - by providing increased flexibility and adaptability when evaluating trees located in road and lane allowances, greenbelts, and forest interface areas.

Respectfully submitted,



Wayne Maskall  
Section Manager Natural Parkland

### Attachments:

- Draft Corporate Policy – Tree Work in the District
- Memo dated February 6, 2017
- Memo dated October 24, 2016

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	<input type="checkbox"/> ITS	<input type="checkbox"/> NVRC
<input type="checkbox"/> Environment	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	

The Corporation of the District of North Vancouver

**CORPORATE POLICY MANUAL (DRAFT)**

<b>Section:</b>	Planning and Development	13
<b>Sub-Section:</b>	Environmental Planning and Development	5280
<b>Title:</b>	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, and to promote climate change adaptation while recognizing the responsibility to minimize tree related risk to the public and property. This Policy serves as a guideline for staff to manage tree related risk while at the same time preserving healthy, native, biodiverse forests for the community.

## **REASON FOR POLICY**

To clarify the responsibilities and procedures for work on DNV owned trees within the District.

### **AUTHORITY TO ACT**

#### **Delegated to staff**

Tree protection in the District of North Vancouver is outlined in the Tree Protection Bylaw 7671 and Development Permits Areas (DPA) Bylaw 7934 for Slope Hazard; Streamside Protection and Protection of the Natural Environment.

## **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 hazard will be corrected first and as soon as practical within the work schedule limits as prescribed in Appendix I.
- 1.2 Disagreement with an assessment or decision made by the District Arborist will be handled as per the procedures set out in Section 8 of this policy.

## 2.0 NON HAZARDOUS TREES ON DISTRICT PROPERTY

The *Manager* 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 A permit application pursuant to the Tree *Protection* Bylaw 7671
- 2.2 The permit fees and associated cost of the work and the cost of *replacement tree(s) and/or appropriate vegetation* will be the responsibility of the applicant.
- 2.3 *For all potential permit work the District Arborist, or other appropriate staff, will consider the following:*
  - (a) *The requirements under the Tree Protection Bylaw 7671 and the following Development Permits Areas Bylaw 7934 for Slope Hazard; Streamside Protection and Protection of the Natural Environment*
  - (b) *If pruning is requested the impacts to the tree's safety, long-term health and viability, aesthetic appearance and its ecological values will be assessed. Modern arboricultural practices and the Standard Pruning Practices ANSI A300 will apply.*
  - (c) *If removal is requested, the tree(s) contribution to the streetscape and forested character of the neighbourhood; contribution to wildlife habitat and the ecosystem; and the uniqueness of the specimen will be assessed. If removal is allowed, replacement trees and/or appropriate vegetation will be required as compensation.*
  - (d) *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. If removal is allowed, replacement trees and/or appropriate vegetation will be required as compensation.*
  - (e) *Requests for removal of trees to improve view or sunlight or 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 tree(s). If removal pruning is allowed, replacement trees and/or appropriate vegetation may be required as compensation.*
  - (f) *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. If removal is allowed, replacement trees and/or appropriate vegetation will be required as compensation.*
  - (g) *Requests for removal of otherwise healthy trees which pose an actionable nuisance due to species, size, location or condition, and where all other mitigation efforts have been exhausted, will be considered on a case-by-case basis. If removal is allowed, replacement with trees and/or appropriate vegetation will be required as compensation.*
  - (h) *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.

(i) *Topping of trees.*

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

(j) *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.

(k) 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).

(l) *Windowing of trees.*

Excessive removal of branches to one or both sides of a tree for views, which is not in accordance with Sec 2.3.b, will not be permitted.

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 submission of a tree permit application as per Master Requirement List ENV118 – Tree Permit

3.2 For non-hazardous permit requests not associated with a development and/or building permit, the submission of a signed *signature consent form* distributed as per section 6.0. 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.

3.3 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)

3.4 Where consensus has been reached, *and a permit for tree work is to be issued*, the applicant will be required to provide replacement trees and/or appropriate vegetation to compensate for any trees removed. *This may include the submission of a tree/vegetation replacement/restoration plan.*

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 required *replacement tree(s) and/or appropriate vegetation* as quoted by a *Prime Contractor* that 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 and signed *signature consent form*, as prescribed in Section 6.0
- b) a payment equal to the estimate (including applicable taxes) for the requested pruning or removal work
- c) a payment to cover the cost of permit fee(s)
- d) a payment equal to the estimate (including applicable taxes) for the requested pruning or removal work
- e) a refundable deposit (as per Fees and Charges Bylaw - 6481) to ensure restitution requirements are met

## 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 **Actionable Nuisance Trees on District Land:** Permits for removal of actionable nuisance trees, located in unopened lane allowances, road allowances, and other District owned land, will not be unreasonably withheld, subject to the restitution requirements as established under this policy.
- 4.5 **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 *all conditions related to the accompanying permit(s)* are adhered to.

## 5.0 Public Notification: Tree Work on District Property

- 5.1 Work to be conducted on trees rated as "Priority 1-3", pursuant to the rating procedure described in Appendix 1, will not invoke the requirement for Public Notification.
- 5.2 *For all other non-hazardous tree work, notification via a signature consent form, per Section 3.2, will be required.*

## 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 and *ecosystem* 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* 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 **signature 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 **signature consent** form by the applicant to six (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 six (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 obtained**, a public consultation meeting may be arranged by the appropriate staff. This process shall occur a minimum of twenty (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 Tree Protection Bylaw 7671.
- 7.2 Property owners must determine whether the trees on their property are governed by the Tree Bylaw 7671

## 8.0 DISPUTE RESOLUTION / ARBITRATION

Should a requester disagree with the outcome of an assessment performed by the District Arborist, at their own expense the resident *must* obtain the services of a *qualified arborist* with the appropriate qualifications and experience to prepare a report on the state of the tree(s) in question. Upon receipt of this report, the Community Forrester, or his designate, will conduct a *peer review* of the findings of the District Arborist, and that of the independent report commissioned by the requester. The completed peer review will be shared with all parties involved.

Should the requester disagree with the peer review findings, the requester may make application, to have the matter reviewed through the Arbitration Process.

An application for arbitration shall be made in writing to the *Manager*. The application shall include:

- (a) all information provided along with the original signed application;
- (b) a **fee\*** for application;
- (c) all correspondence between the applicant, the District Arborist, and Community Forrester; and
- (d) All new information not previously submitted must be clearly indicated
- (e) the reasons for the application for arbitration."



Complete applications will be forwarded to the arbitration panel consisting of; the General Manager, the Manager of Parks, and the Section Manager of Environmental Sustainability, and/or their designates. Upon receipt of the application, and all accompanying documentation, a hearing will be scheduled during regular work hours. Upon deliberation, a **final** decision will be delivered by the arbitration panel, and provided to the appellant, in writing. **(Gavin to authorize/finalize panel members)**

The decision of the arbitration panel shall be **final**.

## SECTION C: DEFINITIONS

### **Affected owners**

Means the registered owners of land or parcel abutting the applicant's land or parcel, or the location of the tree(s), and includes all other owners the *District Arborist* or *appropriate staff* deems to be affected. 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.

### **Actionable nuisance**

Means a tree that causes a legal nuisance to a property owner, or causes unreasonable interference with the enjoyment of the property, that cannot or has not been successfully be mitigated through standard arboricultural care and / or pruning or repairs.

For example, a tree(s) that has a documented history of limb failure causing damage to persons or property, documented condition causing damage to private property (foundation or infrastructure damage) or other condition of risk wherein the *Manager* determines that removal is required.

### **Arboriculture crew**

Parks staff who have the necessary qualifications and safety certification to complete hazard tree mitigation work on District land.

### **Appropriate staff**

Means the *Manager*, *District Arborist*, any District staff that are *Qualified Arborists* and any District staff as assigned by the District Arborist.

### **Community Forester**

Means the Corporation of the District of North Vancouver, Community Forester, or their designate.

### **DBH**

Means the diameter of the tree measured at breast height standardized at 1.3 meters from the ground. 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.

**District Arborist**

Means the Corporation of the District of North Vancouver, District Arborist, Community Forester or their designate.

**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.

**Externally visible stem cracks**

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.

**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.

**Target**

People, property or activities that could be injured, damaged, disrupted or otherwise impacted by a tree failure within the target zone.

**Target zone**

Placement of the target in relation to the tree or tree part:

**Within the dripline** – the target is underneath the canopy of the tree.

**Within 1 x Ht** – target is within striking distance if the trunk or root system fails (1 times the height of the tree).

**Within 1.5 x Ht** – target is within striking distance if the trunk or root system fails and there are dead branches that could shatter and fly from the tree (1.5 times the height of the tree).

**Target occupancy rate**

An estimated time a target is within a target zone:

**Rare** – the targets is rarely present in the target zone.

**Occasional** – the target is infrequently present (less than one – two hours per day) in the target zone.

**Frequent** – the target is present for a large portion of the day or week.

**Constant** – the target is present at all times or nearly all times.



## Likelihood of failure

The probability that failure of a tree or tree part may occur:

**Improbable** – the tree or tree part is not likely to fail during normal weather conditions and may not fail in severe weather conditions within the specified time frame (i.e. more than one year)

**Possible** – failure could occur, but it is unlikely during normal weather conditions within the specified time frame (i.e.: within six – twelve months)

**Probable** – failure may be expected under normal weather conditions within the specified time frame (i.e.: within one -two months)

**Imminent** – failure has begun or is most likely to occur in the near future, even if there are no significant weather events to increase the load (i.e.: within 24 – 48 hours). This is usually a rare occurrence

## Likelihood of impacting target

The likelihood of impact can be categorized as follows:

**Very low** – the chance of a failed tree or tree part impacting the specified target is remote. This is case for a rarely used site that is fully exposed to the tree.

**Low** – it is not likely that the failed tree or tree part will impact the specified target. This is the case in an occasionally used area that is exposed to the tree.

**Medium** – the failed tree or tree part may or may not impact the target with equal likelihood. This is the case for a frequently used area that is exposed to the tree, but only on one side.

**High** – the failed tree or tree part will most likely impact the target. This is the case when a fixed target, such as a high-use road, is fully exposed to a tree.

## Consequences of failure

The consequences of failure may be categorized as follows:

**Negligible** – low-value property damage or disruption that can be replaced or repaired, and do not involve personal injury

**Minor** – low-to-moderate property damage or small disruptions to traffic.

**Significant** – property damage of moderate- to high- value, considerable disruption, or personal injury.

**Severe** – serious personal injury or death, damage to high-value property, or disruption to important activities.

## Gravel connector trails

Trails that provide linkages to the Engineered Full Service Trails or well-used trails in parks and green belts. These trails are usually 2.5m wide and have a maintained surface of compacted aggregate. These trails may be moderate to high use.

## Low impact pruning

Means minor tree work that includes *standard pruning practices* 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. This work includes regular hedge maintenance where a hedge has been planted on District land or Boulevard.

**Low impact removal**

Means the removal of small trees and shrubs up to five (5) meters in height and less than twenty (20) centimetres *dbh* that only affects the adjacent neighbours and will have little or no detrimental impact on the appearance and/or ecology of the wooded area. This work includes the removal of hedges less than 5 metres tall which are located on the District land or boulevard.

**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) centimetres *dbh* and recognizes that the proposed work may affect the appearance and/or ecology of the wooded area.

**High impact pruning**

Means significant *standard pruning practices* that would impact the general neighbourhood 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 *large trees* or *unique specimen trees*.

**High impact removal**

Means the removal of a single or multiple trees that would impact the general neighbourhood 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 *large trees* or *unique specimen trees*.

**Manager Environment**

Means the Corporation of the District of North Vancouver, Manager Environment, appropriate staff or their authorized designates.

**Manager of Parks**

Means the Corporation of the District of North Vancouver, Manager or Parks, or authorized designates.

**Minor encroachment**

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.

**Moderate encroachment**

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.

**Mulched trails**

Trails that do not have a maintained base. These trails are usually in natural areas and green belts. 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.

**Signature consent form**

Means the prescribed form, 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 District Arborist or appropriate staff as per Section 6.0.

**EnerGov**

Means the District computer program to generate the data base for the requests for service system.

**Peer review**

*Peer review means a detailed report prepared by the Community Forester or designate, including an inspection of the tree under review.*

**Phototropic trees**

A condition where competition between trees or trees and structures, causes them to grow with a lean towards available sunlight.

**Prime Contractor**

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.

**Qualified arborists**

Certified by the International Society of Arboriculture (ISA) or equivalent professional association and in addition, qualified arborists must hold the Tree Risk Assessment Qualification (TRAQ) designation and be current and in good standing with ISA.

**Standard Pruning Practices (ANSI A300)**

Means the pruning practices as defined by the American National Standards Institute for Arboriculture Operations ANSI A300.

**Severe damage**

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:

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.

**Sustainable forest management**

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 fulfil, for present and future generations, relevant ecological, economic, social and cultural functions.

**Large trees**

Means trees having a diameter greater than 0.75m 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.

**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 or appropriate staff, 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 any standing dead or live tree having special characteristics that provide valuable habitat for the conservation or enhancement of wildlife, as determined and classified in accordance with criteria contained in the "Wildlife/Danger Tree Assessor's Course Workbook – Parks and Recreation Sites" or such amended, successor or replacement criteria or guidelines that may from time to time be commonly applied by certified tree assessors in identifying wildlife trees

**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 District call centre
- 2) The request will be logged into **EnerGov**

- 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.
- 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

### ***Tree Rating Work Schedule***

**Priority 1** Sent immediately to arboriculture crew or prime contractor for mitigation

**Priority 2** Sent to the arboriculture crew or prime contractor to be mitigated through the next monthly tree work contract.

**Priority 3** Sent to the arboriculture crew or prime contractor to be mitigated through the next or subsequent monthly tree work contract as the workload allows.

**Priority 4** Sent to the Parks Department for consideration. Work may be deferred due to work load and /or budget considerations. *Work may be administered through the tree permit process (Section. 3).*

**Priority 5** Sent to Parks Department for consideration. Work may be deferred due to work load and /or budget considerations. *Work may be administered through the tree permit process (sec. 3).*

### **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 where the target zone is frequent to constantly occupied, the likelihood of failure is imminent, the likelihood of impacting the target are high and the consequences of failure are severe.
- Broken limbs or broken top hanging over a the target zone that is frequent to constantly occupied, the likelihood of failure is imminent, the likelihood of impacting the target is high and the consequences of failure are severe.
- Failed tree lying on a public road, touching energized conductors\*\*, or on District property *that is frequent to constantly occupied and impedes public use.*
- Dead tree with extensive decay visible to the inspector and the target zone is frequent to constantly occupied, the likelihood of failure is imminent, the likelihood of impacting the target is high and the consequences of failure are severe.

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: MUST** 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 he target zone is frequently occupied, the likelihood of failure is imminent, the likelihood of impacting the target is medium-high and the consequences of failure may be significant.
- Failed tree lying on District property that is occasionally to frequently occupied and impedes public use such as on a trail or park facility.
- Obstruction of traffic signs \*
- Interference with **hydro** distribution or transmission lines \*\*

Trees with this rating have second priority for removal or pruning. The inspector will 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: MUST** be referred to BC Hydro.

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

## Priority 3

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

- Dead tree with minimal visible decay where the target zone may be frequently to constantly occupied and the consequences of failure may be significant to severe, but the likelihood of failure is improbable within the prescribed time period.

- 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 obstructing driver visibility\*

- Visible defect that could result in partial failure of tree where the target zone may be frequently to constantly occupied and the consequences of failure may be significant to severe, but the likelihood of failure is improbable within the prescribed time period.

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 by District 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 root encroachment to private property or structures
- Limbs interfering with residential overhead utility services
- 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.

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 laneways*, road ends, right of ways, *greenbelts or interface areas – such as Alders, Cottonwoods and Hemlocks.*
- 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.

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





## Memo

February 6, 2017  
File: 12.6300.01/000.000

TO: Susan Rogers - Manager Parks

FROM: Wayne Maskall - Section Manager Natural Parkland

SUBJECT: Proposed Tree Policy Amendment - Arbitration Process  
FOR CONSIDERATION

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### Introduction:

There are specific District documents that address trees:

**Tree Protection Bylaw** which is responsible for regulating the protection and preservation of trees, and includes topics such as defining a heritage tree, size and species of protected trees, replanting requirements, the permit process, ticketing and enforcement. The bylaw applies to both private and public lands.

**The Tree Work in the District is a tree management policy** that DNV Parks staff use as it relates to District trees on public property. This document outlines the responsibilities and procedures for working on DNV owned or shared trees. It is part of the hazard tree management program administered by the Parks Department.

Although in the last few years there have only been a small handful of disputes requiring arbitration, as they relate to District Arborist assessments of trees on public property, dispute resolution can become a very time consuming and costly process for everyone involved.

### Background:

Sec. 30 of the **Bylaw** states;

#### *"Application for Reconsideration*

1. *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."*

Application for Reconsideration has only been implemented a handful of times in the past few years, however it has proven to be a costly and time consuming exercise for all.



**SUBJECT: Proposed Tree Policy Amendment - Arbitration Process  
FOR CONSIDERATION**

February 6, 2017

Page 2

While sec. 1.2 of the **Policy** provides a simplified mechanism for residents to follow should a disagreement arise out of an assessment performed by the District arborist, staff have proposed, **for consideration**, that the Policy be modified to include a more formal and impartial dispute resolution or arbitration process, which could potentially reduce the frequency of Applications for Reconsideration being elevated to Council.

Under sec. 1.2 of the Policy, should a resident disagree with the outcome of an assessment performed by the District Arborist, at their own expense the resident may obtain the services of a qualified arborist to prepare a report on the state of the tree in question. This report is then reviewed by the District Arborist or the Community Forester, who reserve the right to the final decision. This could be seen as a conflict of interest, as the reviewer is the same staff person who initially inspected the tree, or is closely related to the initial reviewer. In one recent case, on Pemberton Ave, a resident disagreed with the final decision of the Community Forester, and sought a decision from a higher level of authority. As no such higher authority had been identified within the Policy, the resident appeared before Council with an Application for Reconsideration.

**Proposed Arbitration Process:**

As an **item for consideration**, staff recommends that the Policy be amended to formalize an arbitration process, and delegate its authority to the General Manager, or his designate, thereby reducing the staff and/or Council resources potentially required in these circumstances.

Under the proposed Arbitration process, should a resident disagree with the outcome of an assessment performed by the District Arborist, at their own expense the resident *must* obtain the services of a qualified arborist to prepare a report on the state of the tree in question. Upon receipt of this report, the Community Forrester, or his designate, would conduct a peer review of the findings of the District Arborist, and that of the independent report commissioned by the resident. The peer review would consist of a review of the reports, as well as an on-site assessment being performed. A detailed report would be prepared by the Community Forrester, making recommendations based on all relevant information available at the time. The Community Forrester's report would be shared with all parties involved.

Should the resident not be satisfied with the findings of the Community Forrester, the resident may make application, *and pay a prescribed fee*, to have the issue reviewed through a formal Arbitration Process. An application for arbitration would be made in writing to the General Manager Engineering, Parks, and Facilities. The application shall include;

- a) *all information provided along with the original signed application;*
- b) *a fee\* for application;*
- c) *all correspondence between the applicant, the District Arborist, and Community Forrester; and*
- d) *the reasons for the application for arbitration."*

All application documentation would be forwarded to an arbitration panel of *three* District staff for review. The arbitration panel would consist of; the General Manager, the Manager of Parks, and the Section Manager of Environmental Sustainability, and/or their designates. Upon receipt of the application, and all accompanying documentation, a hearing would be scheduled during regular work hours, whereby the applicant would present his case to the panel. Upon deliberation, a **final** decision would be delivered by the arbitration panel, and provided in writing to the appellant.

**\*Fees:** it is recommended that the application for arbitration fee be set at \$75. This is consistent with the fee associated with a Tree Permit Application.

**SUBJECT: Proposed Tree Policy Amendment - Arbitration Process  
FOR CONSIDERATION**

February 6, 2017

Page 3

**Summary:**

Staff believes that a more formal arbitration process would serve the public well, by providing a senior authority to which appeals can be made, similar to a Board of Variance. Additionally, it would reduce or eliminate the frequency of appeals being made directly to Council. Fees would be required as a partial cost recovery method, also in keeping with other arbitration processes.



## Memo

October 24, 2016  
File: 12.5810.01/000.000

**TO:** Gavin Joyce – General Manager Engineering, Parks and Facilities

**FROM:** Susan Rogers – Parks Manager  
Wayne Maskall - Section Manager Natural Parkland

**SUBJECT:** District Tree Policy Discussion

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### Introduction:

The District OCP sets out the objective to protect our forested character and enhance the health of the trees. Specifically, the OCP provides direction, guidelines and policies around the community's goal for protection and enhancement of DNV urban forested areas.

Recently, issues with these urban forested areas have begun to arise, in large part due to the age of our forested areas, select species of trees within these areas, and the effects of climate change and development. Staff have developed several solutions to some of these issues, while striving to maintain the Districts' forested character.

### Background:

There are specific District documents that address trees:

**Tree Protection Bylaw** which is responsible for regulating the protection and preservation of trees, and includes topics such as defining a heritage tree, size and species of protected trees, replanting requirements, the permit process, ticketing and enforcement. The bylaw applies to both private and public lands.

**The Tree Work in the District is a tree management policy** that DNV Parks staff use as it relates to District trees on public property. This document outlines the responsibilities and procedures for working on DNV owned or shared trees. It is part of the hazard tree management program administered by the Parks Department.

**Development Permit Areas** - In addition to the bylaw and policy, the District through the 2011 OCP process established a series of environmental development permit areas (DPA's) with guidelines to ensure the protection of the natural environment, streamside areas and hazardous conditions. Each of these development permit areas set specific guidelines that apply to all new developments that take place within the delineated DPA's and take into consideration the protection of trees and ecologically sensitive systems.

Staff must abide by, and consider all of these items, in developing management plans for the urban forested areas within the District. This can prove to be a challenging task, given limited staff resources, and the amount of forested area requiring management.

**Management of Trees on District Property:**

It is important to note that only trees located on District property are managed and maintained by Parks staff and crews. Two District Arborists respond to over 1,100 Requests for Service (RFS) from residents, on an annual basis. Parks arborists do not perform any inspections, or maintenance work, on private property trees. It would be unrealistic to expect District arborist to inspect and monitor the enormous volume of trees on private property. Additionally, it would create a significant liability to the District, as staff would have no control with respect to the level of care and maintenance afforded to these trees by the private property owners. There are no municipalities within the lower mainland that permit their arborists to inspect or perform work on private property trees.

Given the somewhat limited resources with which staff must operate, currently the District relies heavily upon a “reactionary” approach to its management of trees on public property. However as the forest continues to mature, staff are developing a more “proactive” approach towards our forest management, paying particular attention to interface, or buffer zone trees. Typically, these are trees that were left when neighbourhoods were developed and private residences built adjacent to these natural parkland areas. It is these interface trees that generate the largest volume of requests for service. The reasons for these requests range from pruning requests as a result of aerial encroachment (blocking light, or limbs too close to residences), to views, to concerns with respect to the health and structural stability of trees.

Fortunately, many of the interface trees within the District are currently still on the up-hill portion of the Bell Curve of Life, and many risk mitigation RFS calls can be resolved through pruning or very selective removals. However, staff recognize as these trees continue to grow and mature, within a finite space and limited land base, the potential for blowdown does increase. Even with selective removal of trees in these interface areas, the risk of incidental blowdowns also increases as trees that were previously protected become exposed to new wind forces.

Proactive interface forest tree management involves several internal departments, external agencies, and incorporates many different policies including; Wildfire Interface Management, Silviculture trials, Climate Change Adaptation planning, forest condition inventories, invasive species strategy, greenbelt and riparian area ecological restoration initiatives, broader parks and forest management initiatives, watershed studies, and BC Hydro vegetation management programs. The majority of these initiatives and policies are not “stand-alone”, and the development of one directly impacts others. Parks staff are playing a very active role in their involvement in all of these initiatives in the development of a sustainable proactive forest management system.

Staff are aware of greenbelt / interface areas within the District that generate a larger volume of requests for service (RFS's) than others, with respect to tree related issues. The Grousewoods area is one example of an interface area that presents many challenges. Sections of the greenbelts within this area are of inadequate size to support a full range of mixed species that is required for mature forest management on a long term basis. In 2017, staff will meet with external consultant (BA Blackwell) to discuss the development, inventory, and implementation of a long term management plan for the more troublesome interface areas. However, the retention of an external consultant to assess these area would require a budgetary increase of approximately \$50,000 – \$75,000 for the Parks department, before any mitigation efforts are undertaken. The cost of mitigation could potentially be in the hundreds of thousands of dollars.

On a day to day basis, staff have begun to exercise more discretion when assessing trees within these areas, however do so contrary to the Tree Work in the District Policy. As an example, when assessing trees that may be “borderline”, with respect to their potential hazard rating, staff are considering species, the age of the trees, location and are relying more and more on their knowledge of the local environment and historical failure patterns in these trees to protect our community. Subsequently, the volume of trees contained within the 2016 fall bid packages for Priority 3 hazard tree work was considerably larger and more expensive than in previous years. Again, Parks will require additional budgetary funding moving forward to account for these issues.

Specifically, staff have recently begun to exercise more discretion with respect to **species** of trees when completing assessments. This is atypical from industry accepted standard for tree risk assessment, and outside of the rigid parameters set forth within the Tree Work in the District Policy. Under the current Policy, species such as Cottonwood and Hemlock are not referenced, however should be. Recent wind storms throughout 2015 and 2016 have revealed a rise in the failure rates of these two tree species. This is a result of these trees beginning to reach their age of maturity, as well as their poor response to climate change. However, as many of the interface and greenbelt areas are comprised primarily of these two species, staff must consider the implications of removing too many of these species at one time. A long term management plan, complete with a restoration planting plan, is required. It is envisioned that a tree replanting "compensation formula" be developed, and new trees planted whenever trees are removed, with the goal being to maintain or increase the District's forested character. This is work that would be best performed by an external consultant with significant experience in Silviculture, risk management and forest restoration. Budgetary funding would be required to retain a consultant, and to support tree replanting initiatives.

As a short term goal, the Policy has been amended to include a reference to Cottonwood and Hemlock trees, thus enabling staff to exercise more discretion when assessing these trees. This will prove particularly useful in some of the District's unopened lane and roadway allowances, as these trees are not routinely inspected by staff and may have been previously impacted by illegal encroachments, underground services or utilities, or may be impacted by these items in the future as development occurs.

An emerging trend that staff are beginning to see is an increase in the number of RFS cases as they relate to views, light and litter. Under sec 2.3.c of the Policy, views, light and litter are not acceptable reasons to remove healthy trees. Staff typically work with residents to alleviate these issues through targeted pruning, windowing, or thinning. While effective in many circumstances, there are still occasions where pruning or thinning cannot rectify the problem. Again, Council could consider modifying the Policy to address known issues with specific tree species. As an example, Cottonwoods are notorious for dropping large quantities of litter and debris, often unexpectedly dropping large limbs. In situations such as this, where these trees are in very close proximity to homes (high target rating), there may be merit to authorizing the selective removal of otherwise healthy trees.

With respect to removing healthy trees for views, it is the recommendation of staff that the Policy **not** be amended to include this provision. As the majority of homes within the District are located on slopes, where views are present, there would be a dramatic increase in the requests for removal for this purpose. However, as many of these homes border greenbelt areas containing sensitive riparian zones, the environmental impact would be far too great to consider this option. Additionally, large mature trees play an integral role in intercepting rain water, storm water management, and slope stability. Removing more trees would likely have unintended consequences, such as an impact on District utilities infrastructure.

With the increasing frequency and intensity of wind events which we have witnessed over that past few years, the number of RFS calls related to power outages and line failure has increased. While some of the outages are a direct result of District tree or limb failure, it is important to note that trees within close proximity to hydro distribution lines are the sole responsibility of BC Hydro and are regulated under the Hydro Power Authority Act. Only qualified Hydro contractors may work in close proximity to these trees.

BC Hydro has a Vegetation Management team committed to regularly inspecting trees and other tall vegetation growing under or adjacent to transmission and distribution power lines to identify potential problems. Their hazard tree program manages trees with damaged roots, disease, or other defects that could cause them to rot or break, and fall on distribution lines, equipment, or buildings. This program proactively identifies and removes potentially hazardous trees, including those on both public and private property. The work is performed by independent contractors who are Certified Utility Arborists who are trained to work in close proximity to high voltage lines.



**Dispute resolution:**

Although in the last few years there have only been a small handful of disputes requiring arbitration, as they relate to District Arborist assessments of trees on public property, dispute resolution can become a very time consuming and costly process.

While sec. 1.2 of the Tree Work in the District Policy provides a simplified mechanism for residents to follow should a disagreement arise out of an assessment performed by the District arborist, it is recommended that the Policy be modified to include a more formal and impartial dispute resolution process.

Under sec. 1.2 of the Policy, should a resident disagree with the outcome of an assessment performed by the District Arborist, at their own expense the resident may obtain the services of a qualified arborist to prepare a report on the state of the tree in question. This report is then reviewed by the District Arborist or the Community Forester, who reserve the right to the final decision. This could be seen as a conflict of interest, as the reviewer is the same staff person who initially inspected the tree, or is closely related to the initial reviewer. In one recent case, on Pemberton Ave, a resident disagreed with the final decision of the Community Forester, and sought a decision from a higher level of authority. As no such higher authority had been identified within the Policy, the resident appeared before Council for a decision.

It is recommended that the Policy be amended to delegate this arbitration authority to the General Manager, or his designate, thereby reducing the staff and/or Council resources potentially required in these circumstances. Dispute resolution should be formalized and an application form be developed to assist in tracking contributing factors and decisions made. Staff will develop a formal dispute resolution / arbitration process.

**Arboricultural Assessment of District Trees:**

The responsibility for assessment and risk management of District trees falls up two District Field Arborist within the Parks department. District field arborists liaise, and work in conjunction with the Environmental, Engineering, and Utilities departments. These are key contacts that are consulted in many cases prior to authorization of tree removals. Field arborists have developed a very thorough and holistic understanding of key issues such as riparian setbacks, environmentally sensitive areas, watersheds, slope stability, and development permit areas – issues with which independent contractors (arborists) would not likely have significant experience. Thus, retaining independent arborist to perform these duties for any District trees could be problematic. Additionally, independent contractors would seek to minimize their liability, and would choose to remove trees, rather than discuss risk mitigation measures such as pruning in the interest of preserving the District forested character.

Retaining independent arborists would create an inherent conflict of interest, as the same company that would be inspecting and recommending removal would be the same company that is removing the tree. Although under slightly different circumstances, both the City of Surrey and City of Vancouver have faced similar challenges in this regard, with respect to trees located on *private* property. The City of Surrey has attempted to limit this conflict of interest by requiring the reviewing arborist to be at “arms-length” from the company removing the trees; companies have simply formed behind the scene alliances with one another in the interest of profit.

While proactive interface forest management and Policy amendments will assist in limiting liability to the District is important to remember that trees are not engineered structures. They are living entities that react and adapt to their surroundings, and there will always be a certain degree of unpredictability, and subsequently some degree of risk and liability that the District must assume.

## **Recommendations**

Staff have conducted a review of the relevant District policies that pertain to trees on public property, and while the policies are effective and serve the community well, several recommendations have been made to assist staff in better long term management of the interface forest areas.

It is recommended that staff be provided with more flexibility within the Policy to work with home owners and residents towards addressing residents' concerns as they relate to light, litter and views. On a case-by-case basis, it would be beneficial if staff had the opportunity to assess individual trees (based on age, **species**, location, structure and form). The Policy could be amended to more clearly indicate that staff will consider various factors and other options to address these issues (*sec. 2 Tree Work in the District Policy*). Under sec. 2 a new subsection would be added to include consideration for removal of healthy Cottonwood trees when significant aerial encroachment onto private property exists, where there is a high target rating (houses) directly beneath, *and* a well-documented history of litter and other limb debris. While pruning in these situations is the current process, it may be more cost effective to consider removal and replacement with more suitable species.

It is recommended that staff continue to explore the implications of introducing **specific tree species** into various sections of the *Tree Work in the District Policy*, thus potentially enabling staff to exercise more discretion with respect to tree removal and hazard mitigation. Cottonwood and Hemlock trees could be specifically mentioned within the Policy, and perhaps consideration could be given to the selective removal of healthy trees of these two species, in certain circumstance, such as; unopened laneway and road allowances, narrow greenbelt areas where trees are located in very close proximity to homes, where significant aerial encroachment exists, or adjacent to newly developed properties where significant tree removals have occurred, exposing retained trees to new wind forces. Cottonwood and Hemlock trees would be the primary focus, as these species are particularly susceptible to exposure as a result of previous removals, or impacts to their critical root zones. Developing this strategy would require budgetary funding as a consultant would be required.

It is recommended that trees in unopened lane and road allowances could potentially be viewed with less scrutiny than those in the interface forest areas (*sec 4.3 Tree Work in the District Policy*). Cottonwood and Hemlock trees would be the primary focus. Clear documented evidence of significant impact would need to be present - i.e. root disturbance as a result of encroachment, historical (or pending) utility installation, adjacent development where laneway tree roots have been impacted, or adjacent removals have occurred creating wind exposure. In such situations, consideration could be given to removing otherwise healthy trees, and new more appropriate species planted in more suitable locations.

It is recommended that sec. 1.2 of the *Tree Work in the District Policy* be modified to include a more formal and impartial dispute resolution process. Under the revised process, the District Arborist would perform an initial review of the tree in question. If the resident requesting the assessment disagrees with the findings, the resident would complete a formal application, and submit a report from an independent arborist. These two assessments would then be reviewed by the Section Manager Natural Parkland. If consensus cannot be gained, a "peer review" would be sought from the Community Forester in the Environment Department. Findings from this review would be referred back to the Section Manager, a report prepared, and recommendations forwarded to the resident. Should the resident disagree with the recommendations, the matter would be forwarded to a formal arbitrator. It is recommended that the final arbitration authority be delegated to the General Manager, or his designate. The dispute resolution process would be an in-person meeting with all parties involved, where the facts of the matter are presented by all parties. The decision of the arbitrator would be final.

It is recommended that additional budgetary funding be allocated to the Parks department to retain the services of a consultant to prepare and inventory and long term management plan for interface greenbelt areas within Grousewoods.

While staff have made several amendments to the Policy, it is the recommendation of staff that two amendments *not* be made;

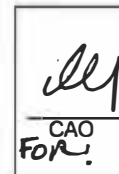
It is recommended that Council *not* amend the Policy to allow independent arborists to inspect District trees. Contracting this work would likely result in a significant increase in the loss of tree canopy, which would have a ripple effect on the surrounding area and the environment.

It is recommended that Council *not* amend the Policy to authorize the removal of otherwise healthy trees for views, which could potentially lead to unintended consequences such as environmental degradation, slope stability and excess burden on utility infrastructure

Respectfully submitted,

Susan Rogers – Park Manager  
Wayne Maskall – Section Manager Natural Parkland





## The District of North Vancouver

### REPORT TO COMMITTEE

September 22, 2017  
File: 13.6780/Tree Management/File

**AUTHOR:** Richard Boase – Section Manager Environmental Sustainability (Acting)  
Guy Exley – Community Forester

**SUBJECT:** Tree Permit Update

#### REASON FOR REPORT:

That Council receive this report for information.

#### SUMMARY:

In 2012, the Tree Protection Bylaw was adopted. Permit requirements for authorized removal of protected trees, new and expanded definitions for tree protection were consolidated into a single bylaw. This update presents some of the tree permit related statistics since the adoption of the Tree Protection Bylaw.

#### BACKGROUND:

The 2012 Tree Protection Bylaw 7671 was adopted to accomplish two important policy issues related to trees. First, to update the definitions, terms and operational clauses that clarified the permitting processes and to reflect the current industry standards. Second, Council asked staff to develop a new bylaw process for permits associated with the removal of a *large diameter tree* on private property that were not protected species or critical to streamside protection or natural habitat protection of slope stability.

The Tree Protection Bylaw introduced a new process based on an environmental compensation model involving applications to remove any *large diameter tree*. A *Large Diameter Tree* is any tree having a diameter at breast height (DBH) of 75 cm or more that is not also a protected tree meaning it is privately owned and not within any of the Environmental Development Permit Areas, on sloping terrain or a protected species.

This update will provide some information on permit data associated with *Large Diameter Trees*.

#### EXISTING POLICY:

Tree protection on private property in the DNV is currently delivered under the Tree Protection Bylaw and guidelines associated with the Development Permit Areas.

**ANALYSIS:**

- Between 2011 and 2013 tree permit totals were averaging between 200 and 250 per annum.
- Between 2014 to date a significant increase in permits and now averaging around 500 per annum, a approximate 100% increase.
- Tree permits associated with development from 2014 to date is averaging 75 to 100 permits per annum.
- Tree permits associated with development were approximately 15% of total tree permits but were removing around 23% of the total numbers of protected trees. Permits associated with development are removing proportionally more protected trees.
- Between 2006 and 2011 prior to adoption of the new tree bylaw the *average large diameter tree* permits was approximately 50 to 100 per annum.
- Post adoption of the new tree bylaw and introduction of the new compensation model for *large diameter tree* removal, a significant increase from over 100 permits 2012 to averaging 300 permits per annum in the last 3 years, a 300% increase from 2011.
- From 2012 to date, outstanding replanting requirements are proportionally higher than those completed indicating a trend that protected trees are being removed but not replanted in a timely manner or securities transferred to the Environmental Compensation Fee Account.
- The current balance of the Environmental Compensation Fee Account is \$131, 249.50.
- These funds are used for restoration projects such as Murdo Fraser Park, Taylor Creek and the 2018 Kirkstone Park post operational fuel treatment planting program.

**Timing/Approval Process:**

Information is presented for council consideration. Input provided will inform the planned review of guidelines associated with the DPA's.

**Social Policy Implications:**

The sylvan character and ecosystem services provided to the District is changing.

**Environmental Impact:**

The District's urban and suburban canopy is being lost including the ecosystem services provided. Replacement planting is challenging and not mitigating the canopy cover removed, especially larger native tree species.

**Conclusion:**

Permit numbers have increased since the adoption of the tree bylaw 7671. Correspondingly, security transfer to the Environmental Compensation Fee Account have increased. Changes to the District's urban and suburban canopy and the ecosystem services provided should continue to be monitored with permit tracking and land cover data analysis.

Respectfully submitted,




Richard Boase – Section Manager Environmental Sustainability (Acting)  
Guy Exley – Community Forester

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	<input type="checkbox"/> ITS	<input type="checkbox"/> NVRC
<input type="checkbox"/> Environment	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	

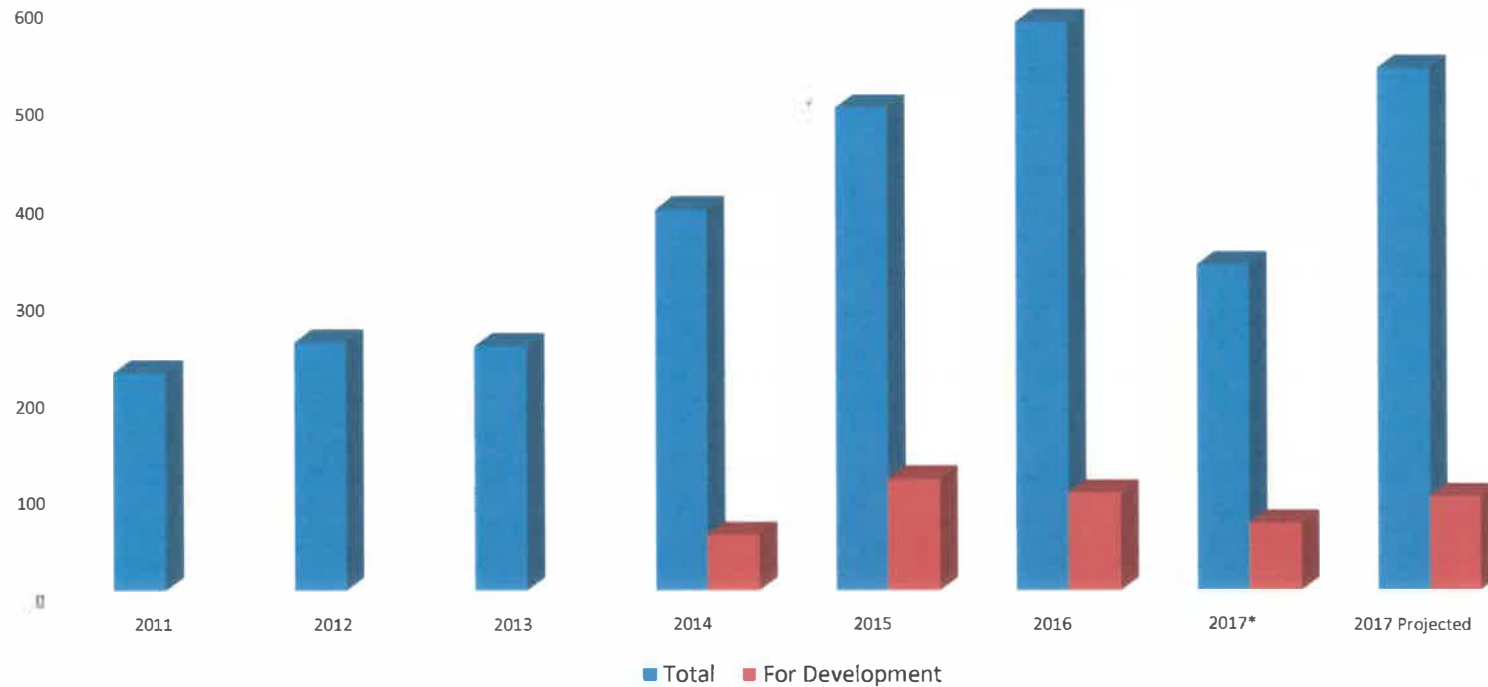


# Tree Permits Related to Development

2014-2017



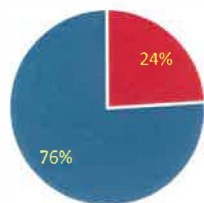
## Total Tree Permits vs Tree Permits for Development



\*As of Sep 1, 2017  
Projection based on average percentage of permits issued Sep 1 – Dec 31, 2013-2016.

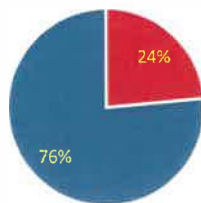
# Protected Tree Removals for Development

2014



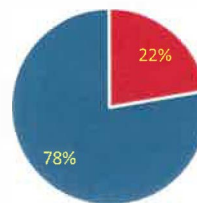
■ Trees removed for Construction  
■ Trees removed: not linked to BLD permit

2015



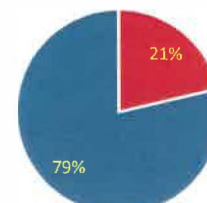
■ Trees removed for Construction  
■ Trees removed: not linked to BLD permit

2016



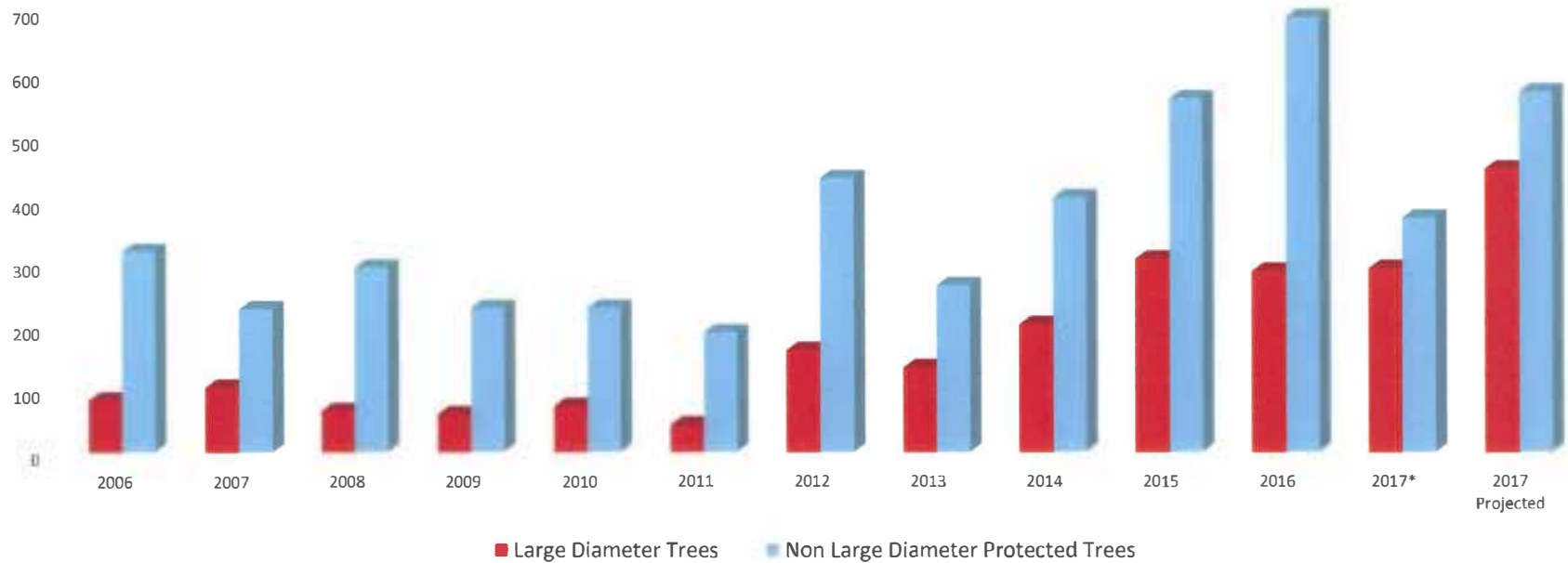
■ Trees removed for Construction  
■ Trees removed: not linked to BLD permit

2017

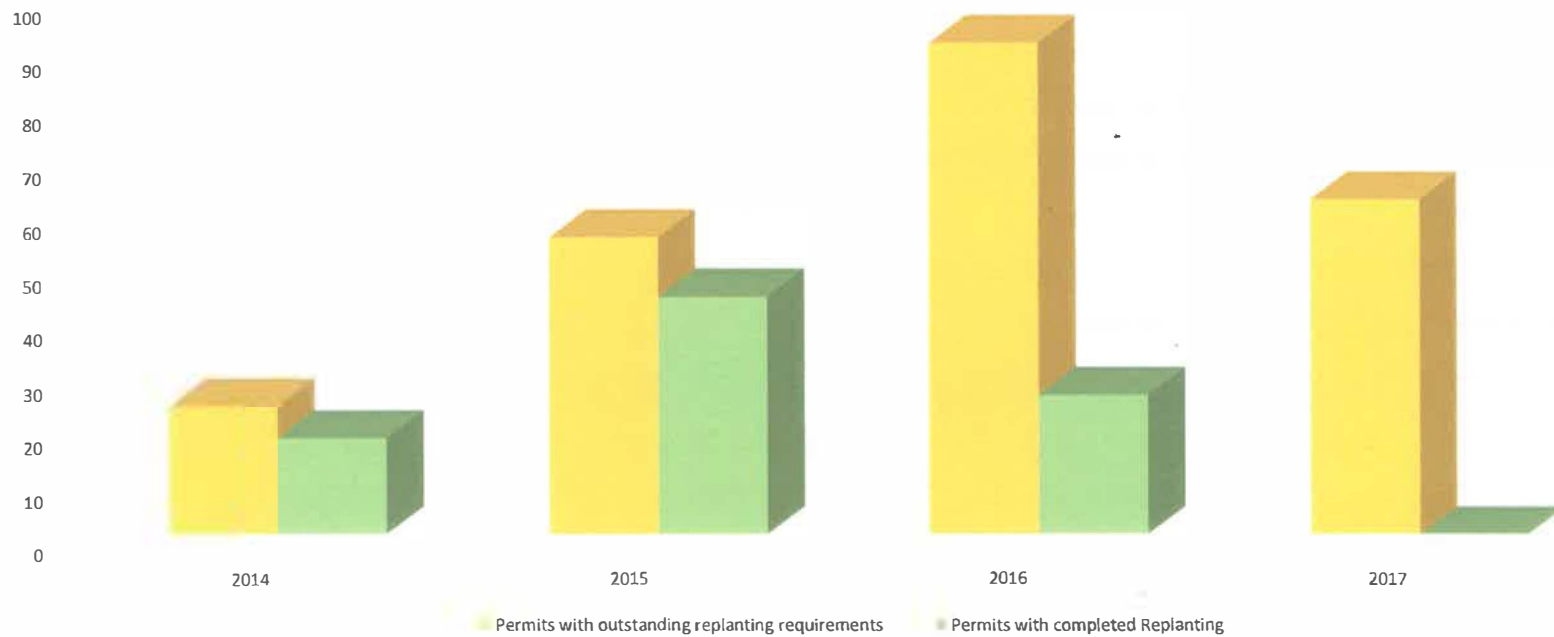


■ Trees removed for Construction  
■ Trees removed: not linked to BLD permit

## Large Diameter Tree Removal vs Non Large Diameter Protected Tree Removal



## Protected Tree Removals for Building Permits





# Environmental Compensation Fund

- Funds are used for environmental restoration projects of District lands.
- Example sites include habitat restoration in Murdo Fraser Park, Taylor Creek and Kirkstone Park.



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