

Staff Report

Origin

At the March 20, 2006 General Purposes Committee meeting, the Committee passed the following referral motion:

“That Permanent Tree Protection Bylaw No. 8057 be referred to staff to address the issue of hedges and the replacement of trees, based on the discussion at this meeting. ... as well as fruit trees and flowering/ornamental trees, and that staff review the maximum DBH.”

The staff report titled “**Permanent Tree Protection Bylaw No. 8057**” dated **March 10, 2006** presented at the March 20, 2006 General Purposes Committee meeting can be referred to for additional information. The information presented in the March 10, 2006 report will not be repeated here, however this current report should be considered in the context of the March 10, 2006 report which is provided under Attachment 3.

Findings Of Fact

Current Activity Update

The current Tree Protection Bylaw No. 8014 has been in enforcement since December 19, 2005. Attachment 1 provides several tables that detail tree permitting data collected as of March 21, 2006. The following highlights some key numbers from these tables:

No. of tree cutting permits issued:	104	
No. of permits that included flowering trees:	16	(15%)
No. of permits that included hedges:	6	(4%)
No. of permits related to development activity:	42	(41%)

Analysis

Replacement Trees

Staff and the City’s consultants have reviewed replacement trees with regard to the issue of requiring like-for-like replacements for deciduous and coniferous trees. The like-for-like requirement was originally proposed as one tool for ensuring that the urban forest biodiversity is maintained. As biodiversity can be assessed on a permit by permit basis, it was determined that the like-for-like requirement provides minimal additional value to the City while removing the requirement will provide much greater flexibility to the property owner. This will also allow for greater flexibility in landscape design, making it easier to match a given species to an appropriate setting. As such, the like-for-like requirement has been removed from the proposed new bylaw.

Hedges

Staff and the City's consultants have reviewed the issue of regulating hedge trees and are recommending that a specific exemption be provided for the pruning of hedges. This exemption has been written into the proposed bylaw. A full exemption for the cutting and removal of hedge trees is not recommended for the following reasons:

1. Hedges are typically made up of coniferous cedar or cypress trees that have been planted in rows and trimmed to form a dense vegetation screen. Each tree within the hedge could be significant on its own.
2. The vast majority of hedge trees are smaller than 20cm dbh. To-date, six permits have been issued for cutting hedges, representing 73 individual trees. None of these trees were over 20cm dbh. If the 20cm dbh criteria was used in the existing bylaw, an exemption for hedges would have had no impact. The 20cm dbh criteria proposed in the new bylaw will in effect provide an exemption for the vast majority of hedge trees while keeping the bylaw simple and easy to understand.

Fruit and Ornamental Trees

Staff and the City's consultants have reviewed the issue of regulating fruit and ornamental trees and are recommending that no exemption be provided for the following reasons:

1. Most fruit/ornamental trees do not grow larger than 20cm dbh. Of the trees permitted for cutting to-date, only 3% have been fruit or ornamental trees larger than 20cm dbh and of those, most were cherry trees which is one of the larger varieties of fruit/ornamental trees. Larger cherry trees of many varieties typically have significant aesthetic and landmark value.
2. No permits have been issued for fruit/ornamental trees alone, larger than 20cm dbh, on a single-family parcel: all such permits have included other deciduous or coniferous trees. If the 20cm dbh criteria was used in the existing bylaw, then a fruit/ornamental tree exemption would have had no impact on the number of permits required, or stated inversely, such an exemption would have provided no additional relief to single-family parcel owners. The 20cm dbh criteria proposed in the new bylaw will in effect provide an exemption for the vast majority of fruit and ornamental trees while keeping the bylaw simple and easy to understand.
3. Those fruit/ornamental trees that do grow larger than 20cm dbh may have significant heritage value or may in fact, be one of the few stems left of an original fruit variety.
4. There are many species of flowering tree that are not typically defined as fruit/ornamental trees, such as hawthorns and dogwoods. Having an exemption for specific fruit/ornamental trees or the general category of flowering trees would lead to some confusion and complexity in administering the bylaw.

Single-Family Properties

Key permit data that relates to single-family (SF) properties is as follows:

Total number of tree cutting permits issued to SF:	78	
Number of those SF permits that are development related:	37	(47%)
Number of SF permits that are non-development related and for a single tree:	24	(31%)
Number of SF permits that are non-development related and only for trees less than 20cm dbh:	6	(8%)

Under the proposed bylaw, tree cutting permit applications for a single tree would not require a fee and no permit is required for any tree under 20cm dbh. The data above indicates that **86%** of permits issued to single-family properties are either helping to control development impacts or would not present any cost burden or inconvenience to owners under the proposed bylaw. This is strong evidence that the proposed bylaw, as applied to single-family properties, would effectively control development impacts while minimizing any inconvenience to owners.

Using an exemption for single-family properties would create an effective loophole for the 47% of single-family tree permit applicants who are planning developments, while providing relief to only 14% of single-family applicants with no such plans announced. Based on this experience, the proposed bylaw will provide the most simple and effective solution to tree regulation.

Options

Option 1. Retain Tree Protection Bylaw No. 8014. – Not Recommended

A significant number of issues have been identified in the current bylaw that require correction. The bylaw has served well as a method of controlling cutting over the last three months, however it is not a long-term solution.

Option 2. No Bylaw – Repeal Tree Protection Bylaw No. 8014 – Not Recommended

Administration of the current bylaw has confirmed that there is a very high level of tree cutting occurring in the city that is not always warranted or necessary, resulting in an overall degradation of the urban forest. Without regulation, this degradation will likely continue unabated.

Option 3. Adopt Tree Protection Bylaw No. 8057 – Recommended

The proposed bylaw addresses the concerns and problems experienced with the current bylaw while maintaining a level of protection and replanting requirements that will help ensure the current urban forest is maintained and grows.

Financial Impact

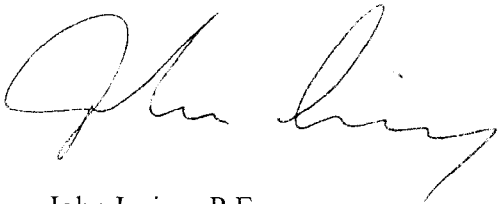
The previously approved 2006 budget of \$250,000 will be required to administer the proposed bylaw as detailed in the staff report titled "Tree Protection Bylaw Funding" presented at the Planning Committee meeting of March 21, 2006.

Single Tree Permit Refunds

The proposed bylaw allows a tree cutting permit application for a single tree to be made with no fee, once in twelve months per parcel. Under the current interim bylaw, 40 permit applications have been made for a single tree and those applicants have paid \$50 each. If the proposed bylaw is supported, Council could direct staff to refund the permit fees for these applications at a cost of \$2,000 to the City.

Conclusion

It is recommended that the Tree Protection Bylaw No. 8057 be introduced and given first, second and third readings. The bylaw meets the requirements of Council's referral of November 14, 2005, and the General Purposes Committee referral of March 20, 2006, and is aligned with the City's vision and mission. The proposed bylaw also addresses the significant issues created by the current bylaw and provides a long-term tree regulation solution for the City.

A handwritten signature in cursive script, appearing to read "John Irving".

John Irving, P.Eng.
Manager, Building Approvals
(4140)

Jl:ji

ATTACHMENT 1

Tree Permitting Statistics as of March 21, 2006

Table 1. Tree Permits broken down by land use and development activity.

Land Use	Total No. of Permits	No. of Tree Permits related to a Demolition or Bldg Permit		No. of Tree Permits related to a Development Permit*	
		No.	Percent	No.	Percent
Single Family	78	31	40%	6	8%
Multi-Family	13	1	8%	3	23%
Commercial/Industrial	8	2	25%	1	13%
Agricultural	5	1	20%	0	0%
TOTAL	104	35	34%	10	10%

*Includes subdivision and/or rezoning

Table 2. Tree Permits that included Flowering Trees (fruit and ornamental).

Land Use	Total No. of Permits	Total No. of Flowering Trees	Flowering Trees Over 20cm dbh	
			No.	Percent of all permitted trees
Single Family	10	15	6	2%
Multi-Family	2	3	2	3%
Commercial/Industrial	3	7	3	8%
Agricultural	1	5	0	0%
TOTAL	16*	30	11**	3%

*Of the 16 permits issued that included flowering trees, only 3 permits were specifically for flowering trees alone. No permits were issued for flowering trees over 20cm dbh alone.

**Of the 11 flowering trees that were over 20cm dbh, 8 were cherry trees.

Table 3. Tree Permits for Hedges.

Land Use	Total No. of Permits	Total no. of Hedge Trees	No. of Hedge Trees over 20cm dbh
Single Family	6	73	0

Table 4. Tree Permits Issued for a Single Tree.

Land Use	Total No. of Permits	Development Related
Single Family	32	10
Multi-Family	5	1
Commercial/Industrial	1	0
Agricultural	2	1
TOTAL	40	12

ATTACHMENT 2

Proposed Tree Protection Bylaw No. 8057.



CITY OF RICHMOND

TREE PROTECTION

BYLAW NO. 8057

EFFECTIVE DATE –

TREE PROTECTION

BYLAW NO. 8057

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Tree Protection Bylaw 8057

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

- 1.1 This bylaw applies to trees which are:
- a) on land owned or in the possession of the **City**;
 - b) on a privately-owned **parcel** of land in the **City**;
 - c) within a development permit area;
 - d) within a **tree retention area** identified and shown on Schedule “B”; or
 - e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.
- 1.2 This bylaw does not apply to private land used for
- a) the production or cutting of trees under a valid, existing licence for a tree farm, nursery or Christmas trees; or
 - b) a golf course.

PART TWO: INTERPRETATION

- 2.1 In this bylaw:

CERTIFIED TREE RISK ASSESSOR

A Certified Arborist with additional current training and certification in tree risk assessment as determined by Worksafe BC.

CITY

means the City of Richmond.

COUNCIL

means the municipal **Council** of the **City** of Richmond.

**CUTTING OR REMOVAL or
CUT OR REMOVE**

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

DBH (DIAMETER BREAST HEIGHT)

means the diameter of the trunk of a **tree** measured at a point 1.4 metres above the natural grade, except where the diameter of a **tree** having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

DRIP LINE

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

HAZARD TREE

means a **tree** identified in writing by a **certified tree risk assessor** as having defects sufficient to significantly increase the likelihood that all or part of the **tree** will fall resulting in a risk of personal injury or property damage

HEDGE

means a row of three or more trees that through growth and **pruning** forms a continuous dense screen of vegetation from ground level that provides privacy, fencing, wind breaking, and/or boundary definition.

HIGHWAY

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

MANAGER

means the Manager of Building Approvals and any person designated by the Manager to act in his or her place.

PARCEL

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

PERMIT

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

PRUNING

means the selective removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

PUBLIC UTILITY

means the **City**, B.C. Hydro Authority, Telus, Terasen Gas Inc. and any other utility company or its contractors providing a public service or utility.

REPLACEMENT TREE

means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 4.3 and 7.3, and Schedule “A”.

ROOT ZONE

means the area of land surrounding the trunk of a **tree** contained within a circle of radius equal to the **dbh** of the **tree** multiplied by 18;

TREE

means

- a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, which has reached or could reach a height of at least 4.5 metres and has a **dbh** of at least 20 centimetres;
- b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that has been identified as an environmentally sensitive area in Schedule “D”; or
- c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that is in the ownership or possession of the **City**.

TREE PROTECTION BARRIER

means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the **drip line** of a **tree** that is to be retained.

TREE RETENTION AREA

means those areas of the **City** shown and identified on Schedule "B";

WATERCOURSE

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

PART THREE: RESTRICTIONS AND EXEMPTIONS**3.1 Restrictions**

- 3.1.1 A person must not **cut or remove** any **tree**, or cause, suffer or permit any **tree** to be **cut or removed**, except in accordance with the terms and conditions of a valid **permit** issued under this bylaw. Without limiting the generality of the foregoing, this section includes **replacement trees**.
- 3.1.2 A person must comply with the terms and conditions of a **permit** issued under this bylaw.
- 3.1.3 Except to the extent permitted by a **permit**, or as provided for in section 3.2 a person must not damage a **tree** by carrying out any of the following activities:
 - a) cutting or damaging the roots of a **tree** growing within the **drip line**;
 - b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a **tree** growing inside the **drip line**;
 - c) placing fill, building materials, asphalt or a building or structure on land inside the **drip line** of a **tree**;
 - d) denting, gouging or damaging the trunk of a **tree**;
 - e) removing bark from a **tree**;
 - f) depositing concrete washout or other liquid or chemical substances harmful to the health of a **tree** on land inside the **drip line** of a **tree**;
 - g) removing soil from inside the **drip line** of a **tree**;
 - h) blasting inside the **drip line** of a **tree**;
 - i) cutting back the top portion of a **tree's** branches so as to significantly alter its normal canopy, except if the tree forms part of a **hedge**;
 - j) undermining the roots of a **tree** growing inside the **drip line**; or

- k) altering the ground water or surface water level within the **drip line** of a **tree**.

3.2 Exemptions

3.2.1 A **permit** is not required to **cut or remove a tree** where:

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

3.2.2 A **permit** is required but the **permit fee** is not required to **cut or remove** one(1) tree per parcel during a 12 month period.

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

PART FOUR: PERMIT APPLICATION PROCESS

4.1 General Conditions of Permit

4.1.1 A **permit** for the **cutting or removal** of any **tree** to which this bylaw applies shall be in the form issued by the **Manager**.

4.1.2 A **permit** issued under this bylaw is non-transferable.

- 4.1.3 The **permit** shall be displayed in an accessible and conspicuous location on the **parcel** to which it pertains no less than 72 hours prior to and during **tree cutting or removal** operations.

4.2 Application Requirements

- 4.2.1 Every application for a **permit** shall be made in writing to the Manager and shall include:
- a) a non-refundable application fee in the amount of \$50.00 unless the application is for permission to remove a **hazard tree** or one tree under section 3.2.2, in which case there shall be no fee;
 - b) the following documents, plans and information relating to the proposed **tree cutting or removal**:
 - (i) a statement of purpose and rationale for the proposed **tree cutting or removal**;
 - (ii) a tree cutting and replacement plan drawn to approximate scale identifying:
 - A. the boundaries of the subject **parcel**;
 - B. any abutting streets, lanes or public access rights of way;
 - C. the location of existing buildings and structures;
 - D. the location, species and **dbh** of those **trees** proposed to be **cut or removed**;
 - E. the location, species and **dbh** of those **trees** proposed to be retained and protected;
 - F. the location, species and **dbh** of proposed **replacement trees**;
 - G. the location of significant topographic and hydrographic features and other pertinent site information;
 - (iii) the street location and legal description;
 - (iv) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent
 - (v) the consent in writing of the registered owners of the parcels where the base of the tree to be cut or removed is located.
 - (vi) the methods proposed for control of drainage and erosion impacts during and after the **tree cutting or removal**;
 - (vii) the proposed methods for disposal of woodwaste and other debris;
 - (viii) the proposed methods of noise and dust control during the **tree cutting or removal** operation;
 - (ix) the proposed completion dates for **tree cutting or removal**;

- (x) if required by the Manager:
 - A. a report prepared by a professional engineer, professional biologist or certified arborist with experience in, as the circumstances require, geotechnical engineering, hydrology or **tree management**, certifying that the proposed **tree cutting or removal** will not create an adverse impact including flooding, erosion, land slip or contamination of a **watercourse**;
 - B. where the site of the **tree cutting or removal** is on a **parcel** adjacent to or containing any part of a **watercourse**, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such **watercourse**;
 - C. where the **tree cutting or removal** is for a **hazard tree**, a report prepared by a certified tree risk assessor certifying that the **tree** is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;
- and
- (v) such further and other information as the Manager determines is necessary to adequately describe the nature and extent of the **tree cutting or removal** operation.

4.3 Replacement Trees

- 4.3.1 For parcels containing a one-family dwelling as a condition of issuing a **permit** under this bylaw it is required that one **replacement tree** be planted and maintained for each tree cut or removed on the applicant's parcel in accordance with the requirements of Schedule "A".

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

In the event that the replacement tree cannot, in the opinion of the Manager, be accommodated on the parcel, the Manager may require the applicant to plant the replacement tree on City owned property in a location designated by the Manager.

- 4.3.2 **Replacement trees** shall be planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the Manager.
- 4.3.3 **Replacement trees** are not required for **tree cutting or removal** permitted under section 3.2.2. or for the **cutting or removal** of a **hazard tree**.

4.4 Permit Issuance or Refusal

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

4.5 Expiry

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

4.6 Renewal, Extension or Modification

- 4.6.1 If the **tree cutting or removal** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or the tree cutting and replacement plan submitted for a **permit**, the Manager may renew, extend or modify the **permit** upon written request of the permit holder, subject to the following:
- a) a permit holder has no vested right to receive an extension, renewal or modification and the Manager may require that a new **permit** be obtained;
 - b) the permit holder shall pay a non-refundable fee of \$50.00;
 - c) the Manager may not renew or extend a **permit** for a period of more than two years from the date of issuance of the original **permit**;
 - d) the Manager may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
 - e) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

PART FIVE: REGULATIONS

5.1 Tree Cutting or Removal

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

- a) **tree** parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable **City** bylaws and Provincial regulations;
 - b) each **tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;
 - c) a **tree protection barrier** shall be placed around any **tree** or **trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root structure are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
 - d) precautions shall be taken to ensure that **trees** which are not to be **cut or removed** are not be subject to any of the damaging activities prohibited by subsection 3.1.3;
 - e) no **tree cutting or removal** activities may be carried out between the hours of 6:00 p.m. and 8:00 a.m. the following day;
 - f) all damage to drainage facilities, **watercourses**, **highways** or other public or private property arising from the removal of a tree shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the permit holder;
 - g) all **watercourses**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all woodwaste arising from or caused by the **tree cutting or removal** operations;
 - h) all hazards or potential hazards arising from the **tree cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
 - i) **tree cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and
 - j) **tree cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.
- 5.1.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of any additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

PART SIX: ADMINISTRATION

6.1 Inspection

- 6.1.1 The **Manager** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** issued under this bylaw are being observed.
- 6.1.2 The **Manager** may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any **trees** to which this bylaw applies, including an assessment of the location, size, species and condition of such **trees**, in the following circumstances:
 - a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;
 - b) when **replacement trees** have been planted as required by this bylaw; or
 - c) when an application for a **permit** to carry out **tree cutting or removal** operations has been made under this bylaw.
- 6.1.3 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** or designate from entering upon lands as authorized by subsections 6.1.1 and 6.1.2.

6.2 Notice of Non-compliance

- 6.2.1 The **Manager** may give notice, in the form established in Schedule "C", to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all **tree cutting or removal** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of land shall refuse to suffer or permit further **tree cutting or removal** operations upon the owner's land until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

6.3 Failure to Remedy Non-compliance

- 6.3.1 In the event that a person having received notice under Section 6.2 fails within the time specified therein to remedy such breach, the **City** or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the owner of the lands in the same manner as municipal taxes.

6.4 Suspension or Cancellation of Permit

- 6.4.1 Without limiting the application of Part Seven (Offences and Penalties), if:

- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
- b) a **permit** was issued under this bylaw on the basis of statements made in the **permit** application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (i) suspend in whole or in part the rights of the permit holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the consent of the permit holder.

6.5 Right of Reconsideration

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

PART SEVEN: OFFENCES AND PENALTIES

- 7.1 Any person who contravenes or violates any provision of this bylaw or of any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

- 7.2 Where more than one **tree** is cut, **removed** or damaged, other than as authorized by this bylaw or more than one **tree** is not replaced or maintained in accordance with a **permit** issued under this bylaw, a separate offence is committed in respect of each such **tree**.
- 7.3 In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any **tree** to be cut, **removed** or damaged in contravention of this bylaw or in violation of any term or condition of a **permit** issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the **Manager**, shall:
- submit for the **Manager's** approval a tree cutting and replacement plan in accordance with the requirements of Schedule "A", specifying the location and species of all **replacement trees**; and
 - plant and maintain on the same **parcel** in accordance with the approved tree cutting and replacement plan a minimum of two (2) **replacement trees** for each **tree** unlawfully cut, **removed** or damaged and in the event the Manager determines it is not feasible or practical to replace the trees on the same parcel, the replacement trees shall be planted in on City lands in a location designated by the Manager.

PART EIGHT: PREVIOUS BYLAW REPEAL

- 8.1 Bylaw No. 8014, adopted by Council on December 19, 2005, is hereby repealed.

PART NINE: SEVERABILITY AND CITATION

- 9.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 9.2 This Bylaw is cited as "Tree Protection Bylaw No. 8057".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

SCHEDULE A to BYLAW NO. 8057

Replacement Trees

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

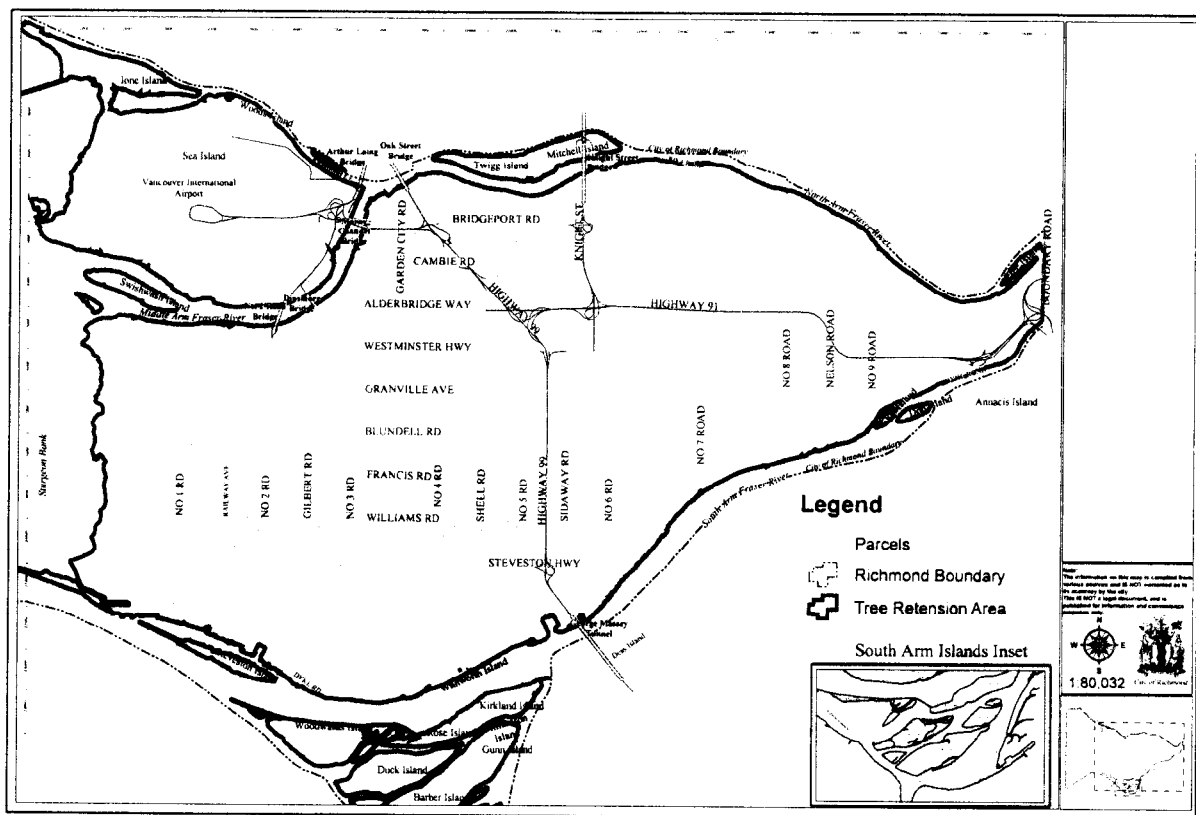
- (a) every deciduous replacement tree shall be of the minimum **caliper** specified for replacement trees in Column 3 of Table 1 of this Schedule;
- (b) every coniferous replacement tree shall be a tree of the minimum height specified for replacement trees in Column 2 of Table 1 of this Schedule; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current BCSLA(the British Columbia Society of Landscape Architects)/BCLNA (the British Columbia Landscape & Nursery Association) Landscape Standards; and
- (d) All replacement trees shall meet current BCSLA/BCLNA standards or such other standard as specified by the Manager.

Table 1

D.B.H. of Tree Cut or Removed	Minimum Height of Coniferous Replacement Tree	Minimum D.B.H. of Deciduous Replacement Tree
COLUMN 1	COLUMN 2	COLUMN 3
8" – 12" (20-30cm)	11.5 ft (3.5 m)	2.5" (6cm)
12" – 16" (30-40cm)	14 ft (4 m)	3" (8cm)
16" – 20" (40-50cm)	16 ft (5 m)	3.5" (9cm)
20" – 24" (50-60 cm)	18 ft (5.5 m)	4" (10cm)
24"+ (60cm+)	20 ft (6 m)	4.5" (11cm)

SCHEDULE B to BYLAW NO. 8057

Those areas outlined in bold on the plan shown below are designated as **tree retention areas** under this bylaw.



SCHEDULE C to BYLAW NO. 8057

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

YOU ARE HEREBY NOTIFIED that the City of Richmond considers activity on this property to be in breach of its *Tree Protection Bylaw Number 8014*,

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

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

Persons affected by this Order may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

ADDRESS of PROPERTY

DATE

MANAGER

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

ATTACHMENT 3

Report to the General Purposes Committee meeting of March 20, 2006 titled "Permanent Tree Protection Bylaw".



City of Richmond

Report to Committee

To: General Purposes Committee
From: John Irving, P.Eng.
Manager, Building Approvals
Re: Permanent Tree Protection Bylaw No. 8057

Date: March 10, 2006
File: 12-8060-01/2006-Vol 01

Staff Recommendation

That the Tree Protection Bylaw No. 8057 be introduced and given first, second and third readings.

John Irving, P.Eng.
Manager, Building Approvals
(4140)

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law	Y	<input checked="" type="checkbox"/>	N		
Parks	Y	<input checked="" type="checkbox"/>	N		
Development Applications	Y	<input checked="" type="checkbox"/>	N		
Bylaws	Y	<input checked="" type="checkbox"/>	N		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	
				<input checked="" type="checkbox"/>	
				NO	
				<input type="checkbox"/>	

Staff Report

Origin

On November 14, 2005, Council passed the following referral motion:

“That Option 3 (as stated in the report dated August 24th, 2005, from the Manager, Building Approvals, and the Acting Director of Development, entitled “Significant Trees on Private Property Management Program and Bylaw”, be adopted; on the condition that the following four principles would be incorporated into the proposed bylaw:

- a) The provision of replacement planting for the removal of significant trees;***
- b) Minimizing the unnecessary removal of significant trees;***
- c) Reducing the cutting or wilful damaging of significant trees; and***
- d) Making it illegal to cut a tree prior to development application.***

At the December 19, 2005 Council Meeting, Council adopted the Tree Protection Bylaw No. 8014 as an interim measure to control cutting until a permanent bylaw could be developed through a full staff analysis and public consultation process.

Findings Of Fact

Current Activity

The current Tree Protection Bylaw No. 8014 has been in enforcement since December 19, 2005. The following summarises the level of activity experienced in administering the bylaw to the end of February:

Phone or In-person Inquiries:

Approximately 6 to 10 per day
300 to 500 total to-date

Permits Issued:

Month	Permits Issued*
December	3
January	19
February	48
TOTAL	70

* The total for February is greater than that presented at the Public Open House due to the availability of updated information.

The percentage breakdown of the trees permitted for removal by diameter at breast height is as follows:

<u>Diameter at breast height (dbh)</u>	<u>Percentage</u>
4-8" (10-20cm)	15%
8-12" (20-30cm)	20%
12" + (30cm +)	65%

The permits are issued on a per-parcel basis and represent approximately 200 trees cut to the end of February. Well over 200 trees will be replanted as a result of replantings ordered on the permits, or through landscape planning during the development approval and/or rezoning process.

New Bylaw Development

To develop the proposed Tree Protection Bylaw No. 8057, an interdepartmental staff team was assembled and two consulting firms were retained: Lees & Associates and Dunster & Associates. The team completed a technical review of the tree asset base in Richmond and designed a public consultation process that included a Key Stakeholders' Workshop and a Public Open House.

Analysis

Key Stakeholders' Workshop

A Key Stakeholders' Workshop was held on February 22, 2005 to outline tree bylaw issues and for generate feedback. Four organizations were identified as being representative of a large body of stakeholders impacted by the tree bylaw:

- Urban Development Institute
- Agricultural Advisory Committee
- Advisory Committee on the Environment
- Greater Vancouver Home Builders' Association

Each group was represented at the workshop, which successfully generated a significant amount of feedback that is detailed in Attachment 1. Some of the key issues raised include:

- a) The size threshold of 10 cm is too small;
- b) Agricultural land should be specifically exempt from the bylaw;

- c) The tree permit process and replanting securities need to be reconciled with existing development processes;
- d) Urban liveability and habitat goals need to be discussed;
- e) The bylaw needs to be simple and clear; and
- f) There must be options when there is no space for replanting on the site.

Public Open House

A Public Open House was held on March 1, 2006. The open house was advertised in the local papers, on the City's website, and those who expressed interest in the past were directly invited. City staff and consultants were on hand to inform the public of the existing bylaw and generate feedback on desired approaches and changes. The presentation boards used can be found in Attachment 2.

The open house attracted approximately 110 attendees and approximately 80 feedback forms were returned. Four yes/no questions were asked on the feedback form; the questions and responses are summarized in Attachment 3: Single-family homeowners were well represented at the open house and expressed a wide range of opinions. There was general support for a tree protection bylaw that focused on regulating tree cutting on development sites, while taking a hands-off approach with single-family parcels. Two concerns were raised consistently:

- a) The 10 cm diameter at breast height (dbh) threshold is too small, and
- b) The \$50.00 permit fee is too onerous for single-family homeowners.

Protected Trees

The interim Tree Protection Bylaw No. 8014 provides for the general protection of any tree over 10 cm (approx. 4") in diameter at breast height (dbh). A key question in the development of the permanent bylaw was: what is a significant tree and what should be protected? The consultation process revealed that the term "significant tree" means different things to different people. One person's "junk tree" could be another person's treasure, regardless of the species, size, or location of the tree. Given that the term "significant tree" is not definable in a collective way, staff focused on what should be a "protected tree" under the bylaw.

20 cm dbh is proposed as the general criteria for a protected tree under the proposed bylaw with no exemption or special status for any one species. The reasons for proposing 20 cm dbh as the sole criteria include the following:

- a) Richmond does not have an indigenous tree species identified at risk that would require special protection, such as the Gary Oak or Arbutus on the Saanich Peninsula;
- b) All species in the City, including typically undesired species such as London Plain and Lombardy Poplar, have value in the right location or application. Exempting any one species from protection can ultimately lead to the elimination of that species and a reduction in the biodiversity of the urban forest;
- c) Experience with the current bylaw has shown that 10 cm dbh as a threshold captures many shrubs and hedges that were not intended for regulated protection. In addition, there is a low percentage of tree cuttings being permitted in the 10 to 20 cm dbh range, and hence, limited value in applying the 10 cm threshold;
- d) 20 cm dbh is generally the size limit for a transportable tree. Trees under this size can be readily transported and replanted and as such, applying City resources to protect these trees provides limited additional value;
- e) The size by diameter criteria is readily understood by the public and easy to measure and administer. Identification by species can be challenging for many people; and
- f) All trees on private property listed in the City's voluntary significant tree inventory will be protected under the 20 cm dbh threshold.

Proposed Changes

In response to the issues raised and identified by staff, the consultants, the key stakeholders, and the general public, a number of key changes are proposed with the new bylaw. In Attachment 4, a redline version of Tree Protection Bylaw No. 8014 highlights all the changes for easy identification, while the full proposed Tree Protection Bylaw No. 8057 is presented in Attachment 5. The most significant changes proposed are as follows:

1. Increase the regulated threshold size to 8" (20cm) dbh.

As discussed above.

2. For single-family homes allow the removal of one tree per year with no permit fee or replanting required, however a permit will still be required.

This allows a measure of ongoing maintenance and landscaping for single-family homeowners, while controlling the clear-cutting that may precede a future development.

3. Leave the permit fee at \$50.00.

Proposed changes 1 and 2 above will provide for much greater flexibility and less impact to single-family parcels. The \$50.00 fee allows for minimal cost recovery and is much lower than the typical fee in the region of \$100.00 or more.

4. Right-to-Farm Act farm practice exemption written into the bylaw.

Exempting all Agricultural Land would not allow the City to regulate tree cutting when non-farm use activities occur on that land. Reiterating the farm practice exemption gives greater certainty to the agricultural community and responds to concerns raised by the Agricultural Advisory Committee.

5. Replacement tree bonding requirement withdrawn.

The current bylaw requires a \$500.00 security for each replanted tree, to be released over the course of three years if the tree remains healthy. The additional work and process management required to effectively administer these securities provides little benefit for the cost. Landscape bonding, protects any development related replanting taken through the development process, and non-development replanting is protected by the standard clauses in the bylaw.

Non-development replanting is defined as a condition of the tree cutting permit and the replanting would be inspected by the City in administering the permit. Non-compliance with the replanting provision would be an offence under the bylaw triggering punitive action by the City.

6. Replanting on City property included as an option.

Providing the option to replant on City property ensures that the overall urban forest can be maintained and grow when the lack of available space prevents on-site replanting.

Ongoing Communication

As with most of the City's regulatory bylaws, bulletins that explain the bylaw applications and processes will be developed and published on an ongoing basis. A significant amount of information is currently accessible on the City's website. This information will be updated and added-to regularly, providing the public with a comprehensive online bylaw tool kit. Possible future developments would include fill-able online tree permit application forms. Much of this work will be completed by the tree bylaw staff who will be recruited in the coming months. As an example, attachment 4 outlines a proposed bulletin that describes the conditions considered by city staff when assessing a tree removal permit application.

The City's significant tree inventory will continue to be maintained in parallel with the proposed bylaw. The inventory is largely protected under the provisions of the bylaw without being specifically identified. The inventory is identified on the City's GIS system and will be referred to as a matter of tree permit processing.

Should Council choose to adopt the proposed bylaw, a public information and education plan will be executed to inform citizens of the bylaw changes, as was done after the adoption of the current bylaw.

Options

Option 1. Retain Tree Protection Bylaw No. 8014, – Not Recommended

A significant number of issues have been identified in the current bylaw that require correction. The bylaw has served well as a method of controlling cutting over the last three months, however it is not a long-term solution.

Option 2. No Bylaw – Repeal Tree Protection Bylaw No. 8014 – Not Recommended

Administration of the current bylaw has confirmed that there is a very high level of tree cutting occurring in the city that is not always warranted or necessary, resulting in an overall degradation of the urban forest. Without regulation, this degradation will likely continue unabated.

Option 3. Adopt Tree Protection Bylaw No. 8057 – Recommended

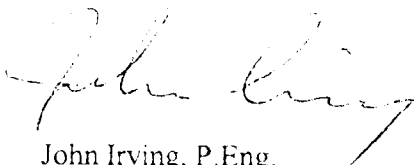
The proposed bylaw addresses the concerns and problems experienced with the current bylaw while maintaining a level of protection and replanting requirements that will help ensure the current urban forest is maintained and grows.

Financial Impact

The previously approved 2006 budget of \$250,000 will be required to administer the proposed bylaw.

Conclusion

It is recommended that the Tree Protection Bylaw No. 8057 be introduced and given first, second and third readings. The bylaw meets the requirements of Council's referral of November 14, 2005 and is aligned with the City's vision and mission. The proposed bylaw also addresses the significant issues created by the current bylaw and provides a long-term tree regulation solution for the City.



John Irving, P.Eng.
Manager, Building Approvals
(4140)

Jl:ji

ATTACHMENT 1

Letter to Key Stakeholders



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
Telephone 604-276-4000
www.richmond.ca

February 28, 2006
File: 12-8060-01/2006-Vol 01

Urban Development Division
Fax: 604-276-4063

Dear Participant:

Re: Tree Protection Bylaw – Key Stakeholders Workshop

Thank you for your engaged participation at the Key Stakeholders Workshop on February 22, 2006. The following is a summary of issues raised at the workshop with the initial responses from City staff and Consultants (as noted in italics).

1. Concerns raised regarding the applicability of the bylaw to trees in City parks and on City land. The City should be subject to their own rules.
The current bylaw applies to private property only. Management of trees on City lands is accomplished by the Parks Department through a separate process guided by the "Urban Forest Management Strategy".
2. Deferent "level" (diameter) for trees on agricultural land suggested.
This is under review, but a uniform approach is desired to avoid confusion.
3. Safety & Environmentally Sensitive Areas (ESA): This is a due diligence issue for the City.
Real hazards to life and property are considered over protection in ESA's and elsewhere.
4. Will City staff work on private land?
City staff maintain fee simple properties owned by the City, but City staff will not work on privately held land to maintain trees.
5. Is a certified arborist required to review tree permits?
Generally yes, where there are any complex issues at hand. The definition of qualifications and requirements is being reviewed.
6. Replacement tree process needs to be resolved. A suggested tree list is required.
This is under review.

7. There needs to be a vision for urban forests in Richmond.
See City of Richmond "Urban Forest Management Strategy" for trees on public lands, and the City's vision and mission.
8. Cash-in-lieu for replacement trees recommended.
This is currently being used in some cases and will likely be included in the new bylaw.
9. Concerns regarding letter of credit and transfer of land ownership.
Under review. Could be resolved by developers transferring letters of credit to the new owners.
10. Differences between Development Permit (DP) process and Tree Protection Bylaw need to be articulated.
This is noted and being reviewed for clarification.
11. Can tree replacements be addressed in the DP process.
Currently, yes.
12. What happens when the developer (inadvertently) kills trees during development?
Without a permit, this would be an infraction of the bylaw and the City would take punitive action.
13. Right-to-farm legislation should be incorporated into the bylaw.
This is being reviewed for possible inclusion.
14. Tree size identified as an issue. Ten centimetres (3.94 inches) is much too small.
Ten centimetres was originally selected to provide an adequate level of protection. This is being reviewed.
15. Emphasis should be on "replacement" instead of protection.
Replacement is the key long-term strategy for maintaining the urban forest.
16. What happens when the developer has a property with lots of trees less than 10 centimetres, some of which may be diseased?
Trees under 10cm can be removed without a permit.
17. Define specimen from (run of the mill) protected trees within the bylaw.
A specimen tree is defined as a fully mature and 100% healthy tree. These trees will be protected as a matter of course, well within the protected tree definition.
18. Urban liveability/habitat goals need to be discussed.
These are being considered
19. New ESA map has not been adopted by Council.
Changes to the ESA will be picked up, as required, as an amendment to the Tree Bylaw.
20. What is the current turnaround time for applications?
From one day to one week.

21. What is the difference between drip line and root zone?
Generally similar, but can vary depending on the site conditions.
22. Could Richmond use the City of Surrey's model regarding the agricultural lands and tree protection?
Surrey's current process and bylaw are being reviewed.
23. Can a revised bylaw be brought back to this group with issues identified?
We will distribute the revised bylaw or a summary of the changes prior to the General Purposes Committee meeting.
24. Replacement trees should allow smaller cultivates, fruit trees etc.
This will be reviewed.
25. Preamble needed that expresses the "flexibility" that has been brought forward tonight. Clarity and supporting bulletin(s) are required.
Supporting documentation will be produced to clarify the application of the bylaw and processes in given situations.
26. Need to simplify the bylaw as much as possible.
Agreed.
27. Need to structure an outline showing what is required from arborists in their report regarding trees on the site.
This would be a key process document.
28. Consider positive effects, especially on agriculture lands. Look at the City of Surrey's bylaw for the negative approach. Look at Section 917 of the Local Government Act for clarification of the jurisdiction over agricultural land.
Regulation on Agricultural Land Reserve (ALR) is being reviewed.
29. How easy is it to get the permit?
For trees of low value, the process is fast. Trees of greater value require more analysis.
30. Bond issue in Section 4.3.6. – The developer is stuck with the bond, but once the property is sold, the developer has no right to enter the property, and cannot compel the new owner to comply. Need a mechanism to assign the bond to the Strata Council or the new owner.
Cash in lieu of planting is being used on a limited basis and being reviewed for inclusion in the new bylaw. A process for the transfer of a bond is also being explored.
31. Replacement size and number – ensure the requirements line-up with the Development Permit (DP) conditions.
Replanting will be ordered in line with DP issues.
32. Reference to building envelope – clarify intent.
Intent was originally to exempt trees conflicting with an existing building. This will be clarified in the new bylaw.

33. Zoning variances would be useful because that would give the developer some flexibility to be creative, move building footprints around to safeguard trees.

To save very significant trees, variances will be explored along with possible changes to the Zoning Bylaw.

34. Provide a preamble to the bylaw outlining the intent of it and how it is to be applied.

Preambles are not a common tool used in current bylaws, but the intent of the bylaw will be communicated through a combination of Council's referrals, supporting documentation and a possible preamble or other language in the bylaw.

We will provide additional response in a follow-up letter as it becomes more certain how the given issues will be treated in the new bylaw. To reiterate the workshop invitation, the adoption of the new bylaw is being planned on the following schedule:

Monday, March 20, 2006	General Purposes Committee Presentation of the draft permanent Tree Protection Bylaw and supporting report.
Monday, March 27, 2006	Council Meeting Tree Protection Bylaw first to third readings
Monday, April 10, 2006	Council Meeting Tree Protection Bylaw Adoption

Thank you again for your participation and please contact the undersigned if there are any other issues you wish to raise or have addressed.

Yours truly,

John Irving, P. Eng.
Manager, Building Approvals

Tel 604-276-4140
Email: jirving@richmond.ca

ATTACHMENT 2

Public Open House Boards



Richmond Tree Protection Bylaw

Our Vision is...

For the City of Richmond to be the **most appealing, livable, and well-managed** community in Canada.

Our Mission is...

To protect and enhance the City's livability and economic well-being for current and future generations through:

- Visionary leadership and responsible decision making
- Accountable and sustainable fiscal practice
- **The development of a unique and beautiful city**
- Product and service excellence and efficiency
- Community consultation

Council's Referral to Staff...

To develop a comprehensive tree protection bylaw that incorporates the following four principles:

- The provision of replacement planting for the removal of significant trees;
- Minimizing the unnecessary removal of significant trees;
- Reducing the cutting or wilful damaging of significant trees; and
- Making it illegal to cut a tree prior to development application.



Richmond Tree Protection Bylaw



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

Bulletin
Building Approvals Department

Tree Protection Bylaw 8014

NO: INFO-14
Date: 2005-12-22
Revised: 2006-02-28

This fact sheet provides only a summary of the guidelines of the Tree Protection Bylaw 8014. To review the bylaw in its entirety, please obtain a copy from the City of Richmond website, www.richmond.ca or from City Hall.

Effective Date: December 10, 2005

Purpose

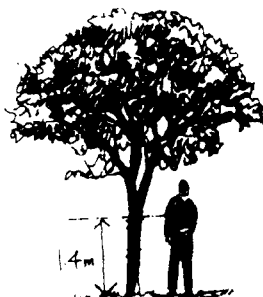
The Tree Protection Bylaw has been adopted to safeguard trees on private and City land from being unnecessarily removed, killed or substantially cut or damaged. The bylaw also provides for the planting and maintenance of replacement trees.

Summary of Bylaw Contents

- Interpretation of terms used in the bylaw (ie: dripline, root zone, etc.)
- Restrictions and exemptions to the bylaw
- The permit application process
- Regulations
- Administration
- Offences and penalties

Restrictions

- A permit will be required to remove trees from land owned privately or by the City, unless the land or tree falls under one of the bylaw exemptions.
- All trees with a trunk diameter measuring 10 centimetres (3.94 inches) or larger dbh (diameter breast height) fall under the bylaw.





Richmond Tree Protection Bylaw

Definitions

- **City:** means the City of Richmond
- **DBH (diameter breast height):** means the diameter of the trunk of a tree measured at a point 1.4 metres above the natural grade, except where the diameter of a tree having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

Exemptions

A permit is not required for:

- Specific lands including those that are used for the production or cutting of trees under an existing, valid license for a tree farm, nursery, Christmas tree farm or golf courses.
- Trees are exempt under several scenarios involving private and City land including:
 - Trees with a trunk measuring less than 10 centimetres (3.94 inches) at 1.4 metres above the natural grade (referred to as diameter breast height) that are not located within an environmentally sensitive area or City land
 - Trees that must be cut or removed on an emergency basis because they have been severely damaged by natural causes and pose an imminent danger of falling or injuring persons or property
 - The tree cutting or removal is for the installation of roads or services shown in an engineering drawing approved by the City
 - The tree cutting or removal is carried out by the City or its agents on public property
 - Lands where a development permit has been approved that identifies areas for tree removal or protection

Permits

Permit applications include the entire property and can include more than one tree. The application must be in writing and be accompanied by a \$50.00 non-refundable fee. Upon receiving the completed application and fee, the City Tree Preservation Official will visit the site to determine the tree condition. If issued, the permit is valid for 12 months, at which time it may be extended, renewed or modified as per the bylaw provisions.

Penalties

Individuals convicted under this bylaw face fines of up to \$10,000 per tree and a requirement to replant. Each tree is considered a separate offence and each day an offence is continued shall constitute a separate offence.

More Info

If you have questions regarding obtaining permits and/or general tree inquiries, please contact Alex Thorburn, Tree Preservation Official at 604-247-4684 or email at athorburn@richmond.ca.

If you have any questions regarding the bylaw and/or policy, please contact John Irving, Manager, Building Approvals at 604-276-4140 or email at jirving@richmond.ca.

The Tree Protection Bylaw 8014 is available in its entirety at the City of Richmond website, www.richmond.ca or from City Hall.



Richmond Tree Protection Bylaw

Activity Summary

The current Tree Protection Bylaw was adopted on Dec. 19, 2005. The following summarizes the activity related to administering the bylaw to date:

Tree Cutting Permits Issued:

December	3
January	19
February	37
<hr/>	
TOTAL	59

Phone or in person Inquiries:

Approximately 6-10 per day
300-500 total to date

Regulation: Approximately 10 responses to complaints/
potential cases of illegal cutting resulting in:

- 1 - Violation and punitive action
- 1 - legal cutting under subdivision landscape plan
- 3 - legal cuttings under hazard exemption
- 5 - legal cuttings under ALR farming activity exemption

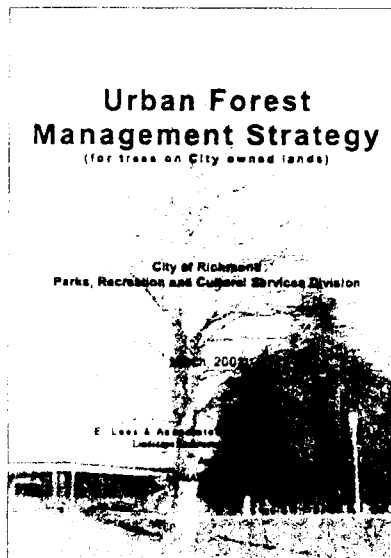


Richmond Tree Protection Bylaw

Tree Management on City Lands

The Tree Protection Bylaw is designed to protect trees on private property and the bylaw does not apply to City rights-of-way or City forces. Trees on City property are managed through our Parks Department. We work under the Council approved "Urban Forest Management Strategy" which is our guide line for management of the City tree's.

Guided by this strategy, approximately 1000 trees are planted on City property every year. This number includes all trees developers plant on City property as well as those our City crews plant - about 500 each. Any removals would be replaced as a general rule unless the situation will not allow, an example being road widening or traffic site line issues. Our goal is to not only maintain the Urban Forest Inventory of Richmond but increase it through Development.



City of Richmond Urban Development Division

RICHMOND
Better in **Every** Way



Richmond Tree Protection Bylaw

Frequently Asked Questions

The following frequently asked questions should help to answer some of your questions.

1. Is the bylaw going to be withdrawn?

The current bylaw has been adopted by Council. The City will examine how the bylaw can be improved and will develop suggested refinements that can be considered by Council. City staff will be recommending these changes, but not a return to having no bylaw.

2. What changes are anticipated?

While much of the bylaw is standard and widely used by municipalities throughout North America, there are always issues that require adapting to match local circumstances. The consultation process will solicit input from the development industry and the public to determine what refinements are required.

3. The bylaw uses the term 'Protected Tree' while none are listed in the bylaw. What criteria will be used to define which trees are or are not 'protected?'

Part of this information sharing process is to examine the ways in which we might define how to designate which trees warrant protection. Some jurisdictions use a list of species; some simply set a minimum size requirement regardless of species (as with our current bylaw). Still others use some forms of heritage or historic attributes to distinguish between trees considered 'significant' and those that are merely typical. There are no right or wrong ways to define what is or not 'significant.' Tree bylaws from other cities, public input and guidance from staff will be considered in the next round of refinements to the bylaw.

4. The replacement tree criteria are not always practical. Can a developer meet the intent to replant trees, but have them planted elsewhere in the City?

Several options are under consideration including a Cash in Lieu option that would see money paid into a designated Urban Forest Fund, so that the City can maintain a healthy forest cover in the City.

5. The fines seem to be excessive. Will they be revised?

No the fines will not be revised. The City is very clear that the existing fine structure will be retained as written. The fines are intended to be a disincentive and are being utilized to penalize illegal removal of trees.



Richmond Tree Protection Bylaw

6. The permit fee of \$50.00 per lot seems to be excessive, especially for the single family home owner. Will this be revised?

The \$50.00 fee was selected as a flat fee for ease of administration and it is generally less than what most regional municipalities charge. We are reviewing the fee structure and there will likely be changes which will reflect public feedback.

7. Application of the bylaw does not seem to be consistent.

The bylaw has only been in effect for a few months. Most bylaws take time to fully implement, and as each department integrates the tree protection requirements into their work schedules and planning processes, it is expected that a consistent application of the bylaw will result. As well, supporting informational bulletins will be used to explain the implementation of the bylaw and to encourage the protection of trees in Richmond.

8. Does the bylaw apply on public lands and in City parks.

Concerns have been raised regarding applicability of bylaw to trees in parks and City land and that the City should be subject to own rules. The current bylaw applies to private property only. Management of trees on City lands is accomplished by the Parks Department through the "Urban Forest Management Strategy", which meets the same objectives as the tree bylaw.

9. Will there be a different application of the bylaw for trees on farmland?

Yes. The bylaw applies to all agricultural land, however a farmer has the right to engage in tree removal works that are necessary for the purpose of farming, as defined in the Farm Practices Protection (Right to Farm) Act.

10. Will City staff be undertaking work on private land?

No. The City will not be doing any work or providing consulting services for trees on private land.

11. Why was 10 centimeters DBH selected as the threshold for a protected tree?

10 centimeters is commonly used as a size threshold for tree protection. Many smaller trees can be equally significant as larger trees, as of course the small tree will be the large tree of the future.

12. How easy is it to get a permit?

For trees of low value the process is fast. Trees of greater value require more analysis. Since the adoption of the bylaw, permits are generally reviewed within one week from date of submission, some as quickly as one day.



Richmond Tree Protection Bylaw

SUN	MON	TUE	WED	THUR	FRI	SAT
DECEMBER 2005						
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
JANUARY 2006						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
FEBRUARY 2006						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				
MARCH 2006						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28		30	31	
APRIL 2006						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Dec. 19, 2005 Current Tree Protection Bylaw adopted

Feb. 22, 2006 Key Stakeholders Workshop

March 1, 2006 Public Open House

March 20, 2006 General Purposes Committee

Presentation of draft permanent tree Protection Bylaw and supporting report

March 27, 2006 Council Meeting

Tree Protection Bylaw 1st to 3rd readings

April 10, 2006 Council Meeting

Tree Protection Bylaw Adoption

ATTACHMENT 3

Public Open House Feedback Form and Results

**City of Richmond
Tree Protection Bylaw
Open House**

Richmond City Hall
March 1, 2006

FEEDBACK FORM

Welcome! This is an open house to gather feedback on the Tree Protection Bylaw.
Your input is important.
Please take a few minutes to review and complete this.

1. In general, do you support the application of a tree protection bylaw in Richmond?

Yes ☐

No ☐

2. If you do not support the tree protection bylaw, would you please comment on why?

3. The tree protection bylaw presently protects trees equal to or greater than 100 MM (4") in diameter. Do you believe this is a reasonable threshold for tree protection?

Yes ☐

No ☐

4. The tree protection bylaw does *not* prevent or control the healthy pruning of trees on private property. Do you support this aspect of the bylaw?

Yes ☐

No ☐

5. The present bylaw requires that replacement trees be planted for every protected tree removed. Do you believe this is reasonable?

Yes ☐

No ☐

6. How did you hear about this open house?

- ☐ Newspaper advertisement
- ☐ Word of mouth
- ☐ City of Richmond Website

7. Additional comments:

If you would you like to be contacted for further information about the Bylaw, please complete the section below.

Name: _____

Organization (if applicable): _____

Address: _____

Email: _____

Phone: _____

Information and input contained in this feedback form will be compiled with other public responses and may be included in a report to the City of Richmond. **Personal information will not be published or circulated.**

Thank you for your feedback.

Please leave this form in the box provided or forward your comments by March 3, 2006 to:

John Irving, Manager, Building Approvals
City of Richmond, 6911 No. 3 Road, Richmond BC V6Y 2C1
Tel: 604-276-4140, Fax: 604-276-4063 Email: jirving@richmond.ca



Feedback from the Public Open House is summarized below. The results do not represent a scientific polling and are presented for general information only.

1. In general, do you support the application of a Tree Protection Bylaw in Richmond?

Yes 29 No 39

2. If you do not support the Tree Protection Bylaw, would you please comment on why?

Typical comments were:

- ...not if it's for trees as small as 4".
- I support a bylaw for development, but not private homes.
- ...not if I have to pay \$50 for a permit.
- Trees on private property are the responsibility of the owner.
- A bylaw is good if applied reasonably.

3. The Tree Protection Bylaw presently protects trees equal to or greater than 100 MM (4") in diameter. Do you believe this is a reasonable threshold for tree protection?

Yes 14 No 47

4. The Tree Protection Bylaw does *not* prevent or control the healthy pruning of trees on private property. Do you support this aspect of the bylaw?

Yes 50 No 11

5. The present bylaw requires that replacement trees be planted for every protected tree removed. Do you believe this is reasonable?

Yes 23 No 41

ATTACHMENT 4

Proposed Bulletin - Tree Retention Guide

The following is a guide to how the City assesses tree removal permit applications. There are a number of site specific conditions that will be taken into account to determine whether or not a tree removal should be permitted. If the tree removal is permitted, then the conditions supporting retention would be considered to determine the number of replacement trees required.

Conditions that would support a removal include:

- a) The tree growth is damaging built structures or underground services.
- b) The tree has no unique or rare characteristics.
- c) The tree is dying, diseased, or has been damaged by natural causes.
- d) The tree is growing in a location that would limit it's ultimate growth potential.
- e) The tree is within 3 meters of a building and must be removed to facilitate a building demolition or building construction.

Conditions that would support retention include:

- a) The tree is healthy and well established.
- b) The tree is listed in the City's significant tree inventory.
- c) The tree is of a species or has a characteristics that are unique or rare in the area.
- d) The tree has significant aesthetic, landmark, or neighbourhood value.
- e) The tree has significant habitat or ecological value.
- f) The tree has historic or heritage value.

ATTACHMENT 5

Proposed changes redlined on Tree Protection Bylaw No. 8014.



CITY OF RICHMOND

TREE PROTECTION

BYLAW NO. 80148057

EFFECTIVE DATE - ~~DECEMBER 19, 2005~~

TREE PROTECTION

BYLAW NO. 80148057

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Tree Protection Bylaw

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

1.1 This bylaw applies to trees which are:

- a) on land owned or in the possession of the City;
- b) on a privately-owned **parcel** of land in the City;
- c) within a development permit area;
- d) ~~designated as protected trees and identified on Schedule "D"~~;
- e) within a **tree retention area** identified and shown on Schedule "**BE**"; or
- f) identified for retention and protection as part of a subdivision, development permit or building permit approval process.

1.2 This bylaw does not apply to private land used for

- a) the production or cutting of trees under a valid, existing licence for a tree farm, nursery or Christmas trees; or
- b) a golf course.

PART TWO: INTERPRETATION

2.1 In this bylaw:

CERTIFIED TREE RISK ASSESSOR

A Certified Arborist with additional current training and certification in tree risk assessment as determined by Worksafe BC.

CITY

means the City of Richmond.

COUNCIL

means the municipal **Council** of the City of Richmond.

CUTTING OR REMOVAL or

means to kill, ~~remove~~, remove or substantially

CUT OR REMOVE

destroy a **tree** by any means, including without limitation, knocking down or cutting into the **tree**, the topping or ~~pollarding~~ of a **tree** and the cutting of any main stem or other leader or trunk.

DBH (DIAMETER BREAST HEIGHT)

means the diameter of the trunk of a **tree** measured at a point 1.4 metres above the natural grade, except where the diameter of a **tree** having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

DRIP LINE

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

HAZARD TREE

means a **tree** identified in writing by a ~~arborist~~ **certified tree risk assessor** as having defects sufficient to significantly increase the likelihood that all or part of the **tree** will fall resulting in a risk of personal injury or property damage

HIGHWAY

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

MANAGER

means the Manager of Building Approvals and any person designated by the Manager to act in his or her place.

PARCEL

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

PERMIT

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

PROTECTED TREE

~~means those trees listed in Schedule "D".~~

PRUNING

means the selective removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.
~~means to remove living~~

~~branches of a tree a purpose consistent with
promoting its health and growth~~

PUBLIC UTILITY

means the City, B.C. Hydro Authority, Telus, Terasen Gas Inc. and any other utility company or its contractors providing a public service or utility.

REPLACEMENT TREE

means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections ~~4.2xx4.3~~ and ~~7.3yy7.3~~, and ~~Schedule~~ and Schedule "AC".

ROOT ZONE

means the area of land surrounding the trunk of a **tree** contained within a circle of radius equal to the **dbh** of the **tree** multiplied by 18;

TREE

means

- a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, which has reached or could reach a height of at least 4.5 metres and has a **dbh** of at least ~~40~~20 centimetres;
- b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that has been identified as an environmentally sensitive area in Schedule "GD"; or
- c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that is in the ownership or possession of the **City**.

TREE PROTECTION BARRIER

means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the ~~root-zonedrip~~ line of a **tree** that is to be retained.

TREE RETENTION AREA

means those areas of the **City** shown and identified on Schedule "EB";

WATERCOURSE

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

PART THREE: RESTRICTIONS AND EXEMPTIONS**3.1 Restrictions**

- 3.1.1 A person must not **cut or remove** any **tree**, or cause, suffer or permit any **tree** to be **cut or removed**, except in accordance with the terms and conditions of a valid **permit** issued under this bylaw. Without limiting the generality of the foregoing, this section includes **replacement trees**.
- 3.1.2 A person must comply with the terms and conditions of a **permit** issued under this bylaw.
- 3.1.3 Except to the extent permitted by a **permit**, or as provided for in section ~~3.2.xx~~3.2 a person must not damage a **tree** by carrying out any of the following activities:
- a) cutting or damaging the roots of a **tree** growing within the **drip line**;
 - b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a **tree** growing inside the **drip line**;
 - c) placing fill, building materials, asphalt or a building or structure on land inside the **drip line** of a **tree**;
 - d) denting, gouging or damaging the trunk of a **tree**;
 - e) removing bark from a **tree**;
 - f) depositing concrete washout or other liquid or chemical substances harmful to the health of a **tree** on land inside the **drip line** of a **tree**;
 - g) removing soil from inside the **drip line** of a **tree**;
 - h) blasting inside the **drip line** of a **tree**;
 - i) cutting back the top portion of a **tree's** branches so as to significantly alter its normal canopy;
 - j) undermining the roots of a **tree** growing inside the **drip line**; or
 - k) altering the ground water or surface water level within the **drip line** of a **tree**.

3.2 Exemptions

- 3.2.1 A **permit** is not required to **cut or remove** a **tree** where:

- a) a development permit and/or rezoning has been approved which addresses the removal of the tree;
- b) the tree cutting or removal is necessary for the purposes of farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time;
- ~~b) a subdivision plan has been approved that identifies areas for tree removal or protection;~~
- c) the tree **cutting or removal** is for the installation of roads or services shown on an engineering drawing approved by the City in respect of a building permit or subdivision approval;
- d) a **tree** must be **cut or removed** on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property;
- e) the **tree cutting or removal** is carried out by the City or its agents on public property;
- f) the **tree cutting or removal** is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a **public utility** or its contractors;
- g) a **tree** is growing significantly within a building ~~envelope~~footprint;
- h) the **cutting or removal** is of a **tree** less than 205 centimetres dbh by a British Columbia Land Surveyor when cutting survey lines of a width of less than two (2) metres;
- i) the **cutting or removal** constitutes normal **pruning** of **trees**, including **pruning** by a **public utility** in accordance with sound horticultural practice or as required for the safe operation of overhead transmission lines.

3.2.2 A permit fee is not required to cut or remove one(1) tree per parcel during a 12 month period.

PART FOUR: PERMIT APPLICATION PROCESS

4.1 General Conditions of Permit

- 4.1.1 A permit for the **cutting or removal** of any **tree** to which this bylaw applies shall be in the form of ~~Schedule "A"~~ issued by the Manager.
- 4.1.2 A permit issued under this bylaw is non-transferable.
- 4.1.3 The **permit** shall be displayed in an accessible and conspicuous location on the **parcel** to which it pertains no less than 72 hours prior to and during tree cutting or removal operations.

4.2 Application Requirements

4.2.1 Every application for a **permit** shall be made in writing to the Manager ~~in the form of Schedule "B" of this bylaw and shall include:~~

a) a non-refundable application fee in the amount of \$50.00 unless the application is for permission to remove a **hazard tree** or one tree under section 3.2.2, in which case there is shall be no fee;

~~b) a deposit of security in accordance with the requirements of Section 4.3;~~

~~e)b)~~ the following documents, plans and information relating to the proposed **tree cutting or removal**:

(i) a statement of purpose and rationale for the proposed **tree cutting or removal**;

(ii) a ~~t~~Tree ~~c~~Cutting and ~~r~~Replacement ~~p~~Plan drawn to approximate scale identifying:

A. the boundaries of the subject **parcel**;

B. any abutting streets, lanes or public access rights of way;

C. the location of existing buildings and structures;

D. the location, species and **dbh** of those **trees** proposed to be **cut or removed**;

E. the location, species and **dbh** of those **trees** proposed to be retained and protected;

F. the location, species and **dbh** of proposed **replacement trees**;

G. the location of significant topographic and hydrographic features and other pertinent site information;

(iii) the street location, legal description and a copy of the title search of the property;

(iv) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent

(v) the consent in writing of the registered owners of the parcels where the base of the tree to be cut or removed is located.

(vi) the methods proposed for control of drainage and erosion impacts during and after the **tree cutting or removal**;

(vii) the proposed methods for disposal of woodwaste and other debris;

(viii) the proposed methods of noise and dust control during the **tree cutting or removal** operation;

(ix) the proposed completion dates for **tree cutting or removal**;

(x) if required by the Manager:

- A. a report prepared by a professional engineer, professional biologist or certified arborist with experience in, as the circumstances require, geotechnical engineering, hydrology or **tree management**, certifying that the proposed **tree cutting or removal** will not create an adverse impact including flooding, erosion, land slip or contamination of a **watercourse**;

- B. where the site of the **tree cutting or removal** is on a **parcel** adjacent to or containing any part of a **watercourse**, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such **watercourse**;
- C. where the **tree cutting or removal** is for a **hazard tree**, a report prepared by a certified ~~arborist~~ tree risk assessor certifying that the **tree** is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;

and

~~(x)~~(v) such further and other information as the Manager determines is necessary to adequately describe the nature and extent of the **tree cutting or removal** operation.

4.3 Replacement Trees

- 4.3.1 For **parcels containing a one-family dwelling** as a condition of issuing a **permit** under this bylaw **it is required** that one ~~or more~~ **replacement trees** be planted and maintained for each tree cut or removed on the applicant's parcel in accordance with the requirements of Schedule "A".

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

In the event that the replacement tree cannot, in the opinion of the Manager, be accommodated on the **parcel**, the Manager may require the applicant to plant the replacement tree on City owned property in a location designated by the Manager.

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

- 4.3.3 **Replacement trees** are not required for **tree cutting or removal** permitted under section 3.2.2. or for the **cutting or removal** of a **hazard tree**.

- 4.3.3 ~~Where the planting and maintenance of a **public utility** is required by this bylaw or a **permit** issued under this bylaw, security shall be deposited with the **City** in the form of cash or a clean, unconditional and irrevocable standby letter of credit drawn on a Canadian financial institution in an amount equal to \$500.00 for each **public utility** to be planted and maintained.~~

- ~~4.3.4 In the event that the letter of credit referred to in subsection 4.3.3 is not renewed or replaced at least 21 days prior to its expiry, the City may draw on the letter of credit without notice or restriction and hold the monies in lieu of it.~~
- ~~4.3.5 Without limiting Parts VI and VII, if a **public utility** in respect of which security has been deposited is not planted or maintained as required by this bylaw or a **permit** under this bylaw, the City may, without notice, plant or maintain such **tree** and apply the security to the cost of doing so.~~
- ~~4.3.6 Cash security held by the City may, upon application by the person depositing such security, be returned to that person and an amount secured by a letter of credit reduced, as follows:~~
- ~~a) by 25% of the original amount after the planting of all required **replacement trees** to the satisfaction of the Manager;~~
 - ~~b) by 25% of the original amount after one year from the date of the planting of all required **replacement trees**, where the Manager is satisfied that each **public utility** remains in a healthy condition.;~~
 - ~~c) the balance of the security after three (3) years from the date of its deposit where the Manager is satisfied that each **public utility** remains in a healthy condition.~~

4.4 Permit Issuance or Refusal

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

4.5 Expiry

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

4.6 Renewal, Extension or Modification

- 4.6.1 If the **tree cutting or removal** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or the tree cutting and replacement plan submitted for a **permit**, the Manager may renew, extend or modify the **permit** upon written request of the permit holder, subject to the following:

- a) a permit holder has no vested right to receive an extension, renewal or modification and the Manager may require that a new **permit** be obtained;
- b) the permit holder shall pay a non-refundable fee of \$50.00;
- c) the Manager may not renew or extend a **permit** for a period of more than two years from the date of issuance of the original **permit**;
- d) the Manager may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- e) e) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

PART FIVE: REGULATIONS

5.1 Tree Cutting or Removal

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

- a) **tree** parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable **City** bylaws and Provincial regulations;
- b) each **tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;
- c) a **tree protection barrier** shall be placed around any **tree** or **trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root structure are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
- d) precautions shall be taken to ensure that **trees** which are not to be **cut or removed** are not be subject to any of the damaging activities prohibited by subsection 3.1.3;
- e) no **tree cutting or removal** activities may be carried out between the hours of 6:00 p.m. and 8:00 a.m. the following day;
- f) all damage to drainage facilities, **watercourses**, **highways** or other public or private property arising from the removal of a tree shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the permit holder;
- g) all **watercourses**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all woodwaste arising from or caused by the **tree cutting or removal** operations;
- h) all hazards or potential hazards arising from the **tree cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
- i) **tree cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and
- j) **tree cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

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

PART SIX: ADMINISTRATION

6.1 Inspection

- 6.1.1 The **Manager** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** issued under this bylaw are being observed.
- 6.1.2 The **Manager** may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any **trees** to which this bylaw applies, including an assessment of the location, size, species and condition of such **trees**, in the following circumstances:
- a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;
 - b) when **replacement trees** have been planted as required by this bylaw; or
 - c) when an application for a **permit** to carry out **tree cutting or removal** operations has been made under this bylaw.
- 6.1.3 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** or designate from entering upon lands as authorized by subsections 6.1.1 and 6.1.2.

6.2 Notice of Non-compliance

- 6.2.1 The **Manager** may give notice, in the form established in Schedule "BF", to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all **tree cutting or removal** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of land shall refuse to suffer or permit further **tree cutting or removal** operations upon the owner's land until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

6.3 Failure to Remedy Non-compliance

- 6.3.1 In the event that a person having received notice under Section 6.2 fails within the time specified therein to remedy such breach, the **City** or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the owner of the lands in the same manner as municipal taxes.

6.4 Suspension or Cancellation of Permit

6.4.1 Without limiting the application of Part ~~VII~~Seven (Offences and Penalties), if:

- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
- b) a **permit** was issued under this bylaw on the basis of statements made in the **permit** application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (i) suspend in whole or in part the rights of the permit holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the consent of the permit holder.

6.5 Right of Reconsideration

6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the **Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the **City Council** for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

6.5.2 An application for reconsideration must be delivered in writing to the **City Clerk** and must set out the grounds upon which the applicant considers the requirement or decision of the **Manager** is inappropriate and what, if any, requirement or decision the applicant or owner considers the **Council** ought to substitute.

6.5.3 At the meeting of **Council**, **Council** may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Manager** or substitute its own requirement or decision.

PART SEVEN: OFFENCES AND PENALTIES

7.1 Any person who contravenes or violates any provision of this bylaw or of any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

- 7.2 Where more than one **tree** is cut, **removed** or damaged, other than as authorized by this bylaw or more than one **tree** is not replaced or maintained in accordance with a **permit** issued under this bylaw, a separate offence is committed in respect of each such **tree**.
- 7.3 In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any **tree** to be cut, **removed** or damaged in contravention of this bylaw or in violation of any term or condition of a **permit** issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the **Manager**, shall:
- a) submit for the **Manager's** approval a ~~r~~Free ~~c~~utting and ~~r~~Replacement ~~p~~lan in accordance with the requirements of Schedule "AE", specifying the location and species of all **replacement trees**; and
 - b) plant and maintain on the same **parcel** in accordance with the approved ~~r~~Free ~~c~~utting and ~~r~~Replacement ~~p~~lan a minimum of two (2) **replacement trees** for each **tree** unlawfully cut, **removed** or damaged and in the event the Manager determines it is not feasible or practical to replace the trees on the same parcel, the replacement trees shall be planted in on City lands in a location designated by the Manager.

PART EIGHT: SEVERABILITY AND CITATION

- 8.1 Bylaw No. 8014, adopted by Council on December 19, 2005, is hereby repealed.

PART EIGHTNINE: SEVERABILITY AND CITATION

- 89.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 89.2 This Bylaw is cited as "Tree Protection Bylaw No. ~~8014~~8057".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8014**Tree Cutting or Removal Permit**

PERMIT NO. _____

A1. This Permit is issued by the City of Richmond to:

(name of owner individual or company the Permittee)

for tree cutting _____

(legal description)

(civic address)

pursuant to the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005.

A2. This Permit authorizes the Permittee to cut and remove only the trees listed and described in the Tree Cutting and Replacement Plan attached to this Permit, subject to the terms and conditions below.

A3. This Permit is issued subject to the following terms and conditions:

(a) any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005; and

(b) all Replacement Trees shall be planted and maintained in accordance with the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005.

WARNING**THIS PERMIT EXPIRES ON** _____

(date)

Date_____
Manager

SCHEDULE B to BYLAW NO. 8014

Date: _____

Application for Tree-Cutting Permit

Registered Owner _____ or _____ Authorized Agent of Owner

Name _____ Name _____

Address _____ Address _____

_____ Postal Code _____ Postal Code

Telephone No. _____ Telephone No. _____

I/We hereby make application for a ~~TREE CUTTING OR REMOVAL PERMIT~~ to permit the proposed tree cutting and removal as described below on the following parcel:

Legal Description of Parcel _____

Civic Address _____

Lot Size and Dimensions (metric) _____

Present Zoning _____

Existing Use _____

Number, size (appropriate height and diameter), and type of tree(s) to be cut _____

Method of access to the site during cutting _____

Barrier methods proposed to protect trees which will remain standing _____

Schedule B (continued)

~~The following signature indicates the approval of adjacent neighbour(s) if the trees to be removed are on a property line.~~

~~I enclose with this application all information, documents and plans required by City of Richmond Tree Protection Bylaw No. 8014, 2005:~~

Signature of Registered Owner

Signature of Authorized Agent, if applicable

Date

Date

SCHEDULE C to BYLAW NO. 80148057**Replacement Trees**

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

- (a) every replacement tree in respect of a deciduous tree cut or removed shall be a deciduous tree of the minimum caliper specified for replacement trees in Column 4 of Table 1 of this Schedule in respect of deciduous trees of the dbh specified in Column 2 cut or removed;
- (b) every replacement tree in respect of a coniferous tree cut or removed shall be a coniferous tree of the minimum height specified for replacement trees in Column 3 of Table 1 of this Schedule in respect of coniferous trees of the caliper specified in Column 2 cut or removed; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with an approved forest management plan, landscape plan and in all cases shall be planted in accordance with the current BCSLA(the British Columbia Society of Landscape Architects)/BCLNA (the British Columbia Landscape & Nursery Association) Landscape Standards; and
- (d) All replacement trees shall meet current BCSLA/BCLNA standards or such other standard as specified by the Manager.

SCHEDULE C to BYLAW NO. 8014**Replacement Trees**

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

- (a) every replacement tree in respect of a deciduous tree cut or removed shall be a deciduous tree of the minimum dbh specified for replacement trees in Column 4 of Table 1 of this Schedule in respect of deciduous trees of the dbh specified in Column 2 cut or removed;
- (b) every replacement tree in respect of a coniferous tree cut or removed shall be a coniferous tree of the minimum height specified for replacement trees in Column 3 of Table 1 of this Schedule in respect of coniferous trees of the dbh specified in Column 2 cut or removed; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with sound horticultural practices so as to best ensure the survival of the replacement tree and the existing trees; and

~~(d) each tree cut, removed or damaged shall be replaced at a ratio of two replacement trees for each such tree.~~

Table 1

Class of Tree Cut or Removed	D.B.H. of Tree Cut or Removed	Minimum Height of Replacement Tree	Minimum D.B.H. of Replacement Tree
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Deciduous	8" – 12" (20-30cm)		2.5" (6cm)
	12" – 16" (30-40 cm)		3" (8cm)
	16" – 20" (40-50 cm)		3.5" (9cm)
	20" – 24" (50-60 cm)		4" (10cm)
	24"+ (60 cm+)		4.5" (11cm)
Coniferous	8" – 12" (20-30cm)	11.5 ft (3.5 m)	
	12" – 16" (30-40cm)	14 ft (4 m)	
	16" – 20" (40-50cm)	16 ft (5 m)	
	20" – 24" (50-60 cm)	18 ft (5.5 m)	
	24"+ (60cm+)	20 ft (6 m)	

~~SCHEDULE D to BYLAW NO. 8014~~

~~The following trees are designated as protected trees under this bylaw:~~

SCHEDULE ~~BE~~ to BYLAW NO. ~~8014~~8057

Those areas outlined in bold on the plan shown below are designated as **tree retention areas** under this bylaw.

SCHEDULE ~~C~~F to BYLAW NO. 80148057

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

YOU ARE HEREBY NOTIFIED that the City of Richmond considers activity on this property to be in breach of its *Tree Protection Bylaw Number 8014*,

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

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

Persons affected by this Order may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

ADDRESS of PROPERTY

DATE

MANAGER

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

SCHEDULE DG to BYLAW NO. ~~8014~~8057

Map of Environmentally Sensitive Areas

ATTACHMENT 6

Proposed Tree Protection Bylaw No. 8057.



CITY OF RICHMOND

TREE PROTECTION

BYLAW NO. 8057

EFFECTIVE DATE –

TREE PROTECTION

BYLAW NO. 8057

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Tree Protection Bylaw

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

- 1.1 This bylaw applies to trees which are:
- a) on land owned or in the possession of the **City**;
 - b) on a privately-owned **parcel** of land in the **City**;
 - c) within a development permit area;
 - d) within a **tree retention area** identified and shown on Schedule “B”; or
 - e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.
- 1.2 This bylaw does not apply to private land used for
- a) the production or cutting of trees under a valid, existing licence for a tree farm, nursery or Christmas trees; or
 - b) a golf course.

PART TWO: INTERPRETATION

- 2.1 In this bylaw:

CERTIFIED TREE RISK ASSESSOR

A Certified Arborist with additional current training and certification in tree risk assessment as determined by Worksafe BC.

CITY

means the City of Richmond.

COUNCIL

means the municipal **Council** of the **City** of Richmond.

**CUTTING OR REMOVAL or
CUT OR REMOVE**

means to kill, remove or substantially destroy a **tree** by any means, including without limitation, knocking down or cutting into the **tree**, the topping of a **tree** and the

	cutting of any main stem or other leader or trunk.
DBH (DIAMETER BREAST HEIGHT)	means the diameter of the trunk of a tree measured at a point 1.4 metres above the natural grade, except where the diameter of a tree having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.
DRIP LINE	means a circle on the ground around the trunk of a tree , the radius of which is the distance between the outermost twigs of the tree and the centre point of the trunk, or its vertical extension.
HAZARD TREE	means a tree identified in writing by a certified tree risk assessor as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall resulting in a risk of personal injury or property damage
HIGHWAY	includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property.
MANAGER	means the Manager of Building Approvals and any person designated by the Manager to act in his or her place.
PARCEL	means any lot, block or other area in which land is held or into which land is subdivided but does not include a highway .
PERMIT	means a permit issued by the Manager under authority of this bylaw to cut or remove a tree or trees .
PRUNING	means the selective removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.
PUBLIC UTILITY	means the City , B.C. Hydro Authority, Telus, Terasen Gas Inc. and any other utility company or its contractors providing a public service or utility.

REPLACEMENT TREE

means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 4.3 and 7.3, and Schedule "A".

ROOT ZONE

means the area of land surrounding the trunk of a **tree** contained within a circle of radius equal to the **dbh** of the **tree** multiplied by 18;

TREE

means

- a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, which has reached or could reach a height of at least 4.5 metres and has a **dbh** of at least 20 centimetres;
- b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that has been identified as an environmentally sensitive area in Schedule "D"; or
- c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that is in the ownership or possession of the **City**.

TREE PROTECTION BARRIER

means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the **drip line** of a **tree** that is to be retained.

TREE RETENTION AREA

means those areas of the **City** shown and identified on Schedule "B";

WATERCOURSE

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

PART THREE: RESTRICTIONS AND EXEMPTIONS**3.1 Restrictions**

- 3.1.1 A person must not **cut or remove** any **tree**, or cause, suffer or permit any **tree** to be **cut or removed**, except in accordance with the terms and conditions of a valid **permit** issued under this bylaw. Without limiting the generality of the foregoing, this section includes **replacement trees**.
- 3.1.2 A person must comply with the terms and conditions of a **permit** issued under this bylaw.
- 3.1.3 Except to the extent permitted by a **permit**, or as provided for in section 3.2 a person must not damage a **tree** by carrying out any of the following activities:
 - a) cutting or damaging the roots of a **tree** growing within the **drip line**;
 - b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a **tree** growing inside the **drip line**;
 - c) placing fill, building materials, asphalt or a building or structure on land inside the **drip line** of a **tree**;
 - d) denting, gouging or damaging the trunk of a **tree**;
 - e) removing bark from a **tree**;
 - f) depositing concrete washout or other liquid or chemical substances harmful to the health of a **tree** on land inside the **drip line** of a **tree**;
 - g) removing soil from inside the **drip line** of a **tree**;
 - h) blasting inside the **drip line** of a **tree**;
 - i) cutting back the top portion of a **tree's** branches so as to significantly alter its normal canopy;
 - j) undermining the roots of a **tree** growing inside the **drip line**; or
 - k) altering the ground water or surface water level within the **drip line** of a **tree**.

3.2 Exemptions

- 3.2.1 A **permit** is not required to **cut or remove** a **tree** where:
 - a) a development permit and/or rezoning has been approved which addresses the removal of the tree;

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

3.2.2 A **permit** is required but the **permit fee** is not required to **cut or remove** one(1) tree per parcel during a 12 month period.

PART FOUR: PERMIT APPLICATION PROCESS

4.1 General Conditions of Permit

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

4.2 Application Requirements

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

- a) a non-refundable application fee in the amount of \$50.00 unless the application is for permission to remove a **hazard tree** or one tree under section 3.2.2, in which case there shall be no fee;
- b) the following documents, plans and information relating to the proposed **tree cutting or removal**:
 - (i) a statement of purpose and rationale for the proposed **tree cutting or removal**;
 - (ii) a tree cutting and replacement plan drawn to approximate scale identifying:
 - A. the boundaries of the subject **parcel**;
 - B. any abutting streets, lanes or public access rights of way;
 - C. the location of existing buildings and structures;
 - D. the location, species and **dbh** of those **trees** proposed to be **cut or removed**;
 - E. the location, species and **dbh** of those **trees** proposed to be retained and protected;
 - F. the location, species and **dbh** of proposed **replacement trees**;
 - G. the location of significant topographic and hydrographic features and other pertinent site information;
 - (iii) the street location, legal description and a copy of the title search of the property;
 - (iv) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent
 - (v) the consent in writing of the registered owners of the parcels where the base of the tree to be cut or removed is located.
 - (vi) the methods proposed for control of drainage and erosion impacts during and after the **tree cutting or removal**;
 - (vii) the proposed methods for disposal of woodwaste and other debris;
 - (viii) the proposed methods of noise and dust control during the **tree cutting or removal** operation;
 - (ix) the proposed completion dates for **tree cutting or removal**;
 - (x) if required by the Manager:
 - A. a report prepared by a professional engineer, professional biologist or certified arborist with experience in, as the circumstances require, geotechnical engineering, hydrology or **tree** management, certifying that the proposed **tree cutting or removal** will not create an adverse impact

including flooding, erosion, land slip or contamination of a **watercourse**;

- B. where the site of the **tree cutting or removal** is on a **parcel** adjacent to or containing any part of a **watercourse**, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such **watercourse**;
- C. where the **tree cutting or removal** is for a **hazard tree**, a report prepared by a certified tree risk assessor certifying that the **tree** is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;

and

- (v) such further and other information as the Manager determines is necessary to adequately describe the nature and extent of the **tree cutting or removal** operation.

4.3 Replacement Trees

- 4.3.1 For parcels containing a one-family dwelling as a condition of issuing a **permit** under this bylaw it is required that one **replacement tree** be planted and maintained for each tree cut or removed on the applicant's parcel in accordance with the requirements of Schedule "A".

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

In the event that the replacement tree cannot, in the opinion of the Manager, be accommodated on the parcel, the Manager may require the applicant to plant the replacement tree on City owned property in a location designated by the Manager.

- 4.3.2 **Replacement trees** shall be planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the Manager.
- 4.3.3 **Replacement trees** are not required for **tree cutting or removal** permitted under section 3.2.2. or for the **cutting or removal** of a **hazard tree**.

4.4 Permit Issuance or Refusal

- 4.4.1 The Manager may issue a **permit** if:
- a) an application for a **permit** complies with the requirements of this bylaw; and

- b) the proposed **tree cutting or removal** complies with this bylaw and all other applicable **City** bylaws.

4.4.2 The Manager may refuse to issue a **permit** if the proposed **tree cutting or removal** is within a **tree retention area**.

4.5 Expiry

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

4.6 Renewal, Extension or Modification

4.6.1 If the **tree cutting or removal** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or the tree cutting and replacement plan submitted for a **permit**, the Manager may renew, extend or modify the **permit** upon written request of the permit holder, subject to the following:

- a) a permit holder has no vested right to receive an extension, renewal or modification and the Manager may require that a new **permit** be obtained;
 - b) the permit holder shall pay a non-refundable fee of \$50.00;
 - c) the Manager may not renew or extend a **permit** for a period of more than two years from the date of issuance of the original **permit**;
 - d) the Manager may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- e) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

PART FIVE: REGULATIONS

5.1 Tree Cutting or Removal

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

- a) **tree** parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable **City** bylaws and Provincial regulations;
- b) each **tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;

- c) a **tree protection barrier** shall be placed around any **tree** or **trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root structure are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
 - d) precautions shall be taken to ensure that **trees** which are not to be **cut or removed** are not be subject to any of the damaging activities prohibited by subsection 3.1.3;
 - e) no **tree cutting or removal** activities may be carried out between the hours of 6:00 p.m. and 8:00 a.m. the following day;
 - f) all damage to drainage facilities, **watercourses**, **highways** or other public or private property arising from the removal of a tree shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the permit holder;
 - g) all **watercourses**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all woodwaste arising from or caused by the **tree cutting or removal** operations;
 - h) all hazards or potential hazards arising from the **tree cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
 - i) **tree cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and
 - j) **tree cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.
- 5.1.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of any additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

PART SIX: ADMINISTRATION

6.1 Inspection

- 6.1.1 The **Manager** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** issued under this bylaw are being observed.

- 6.1.2 The **Manager** may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any **trees** to which this bylaw applies, including an assessment of the location, size, species and condition of such **trees**, in the following circumstances:
- a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;
 - b) when **replacement trees** have been planted as required by this bylaw; or
 - c) when an application for a **permit** to carry out **tree cutting or removal** operations has been made under this bylaw.
- 6.1.3 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** or designate from entering upon lands as authorized by subsections 6.1.1 and 6.1.2.

6.2 Notice of Non-compliance

- 6.2.1 The **Manager** may give notice, in the form established in Schedule “B”, to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all **tree cutting or removal** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of land shall refuse to suffer or permit further **tree cutting or removal** operations upon the owner’s land until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

6.3 Failure to Remedy Non-compliance

- 6.3.1 In the event that a person having received notice under Section 6.2 fails within the time specified therein to remedy such breach, the **City** or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the owner of the lands in the same manner as municipal taxes.

6.4 Suspension or Cancellation of Permit

- 6.4.1 Without limiting the application of Part Seven (Offences and Penalties), if:
- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
 - b) a **permit** was issued under this bylaw on the basis of statements made in the **permit** application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (i) suspend in whole or in part the rights of the permit holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the consent of the permit holder.

6.5 Right of Reconsideration

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

PART SEVEN: OFFENCES AND PENALTIES

- 7.1 Any person who contravenes or violates any provision of this bylaw or of any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 7.2 Where more than one **tree** is cut, **removed** or damaged, other than as authorized by this bylaw or more than one **tree** is not replaced or maintained in accordance with a **permit** issued under this bylaw, a separate offence is committed in respect of each such **tree**.
- 7.3 In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any **tree** to be cut, **removed** or damaged in contravention of this bylaw or in violation of any term or condition of a **permit** issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the **Manager**, shall:

- a) submit for the **Manager's** approval a tree cutting and replacement plan in accordance with the requirements of Schedule "A", specifying the location and species of all **replacement trees**; and
- b) plant and maintain on the same **parcel** in accordance with the approved tree cutting and replacement plan a minimum of two (2) **replacement trees** for each **tree** unlawfully cut, **removed** or damaged and in the event the Manager determines it is not feasible or practical to replace the trees on the same parcel, the replacement trees shall be planted in on City lands in a location designated by the Manager.

PART EIGHT: PREVIOUS BYLAW REPEAL

- 8.1 Bylaw No. 8014, adopted by Council on December 19, 2005, is hereby repealed.

PART NINE: SEVERABILITY AND CITATION

- 9.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 9.2 This Bylaw is cited as "Tree Protection Bylaw No. 8057".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND

_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8057

Replacement Trees

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

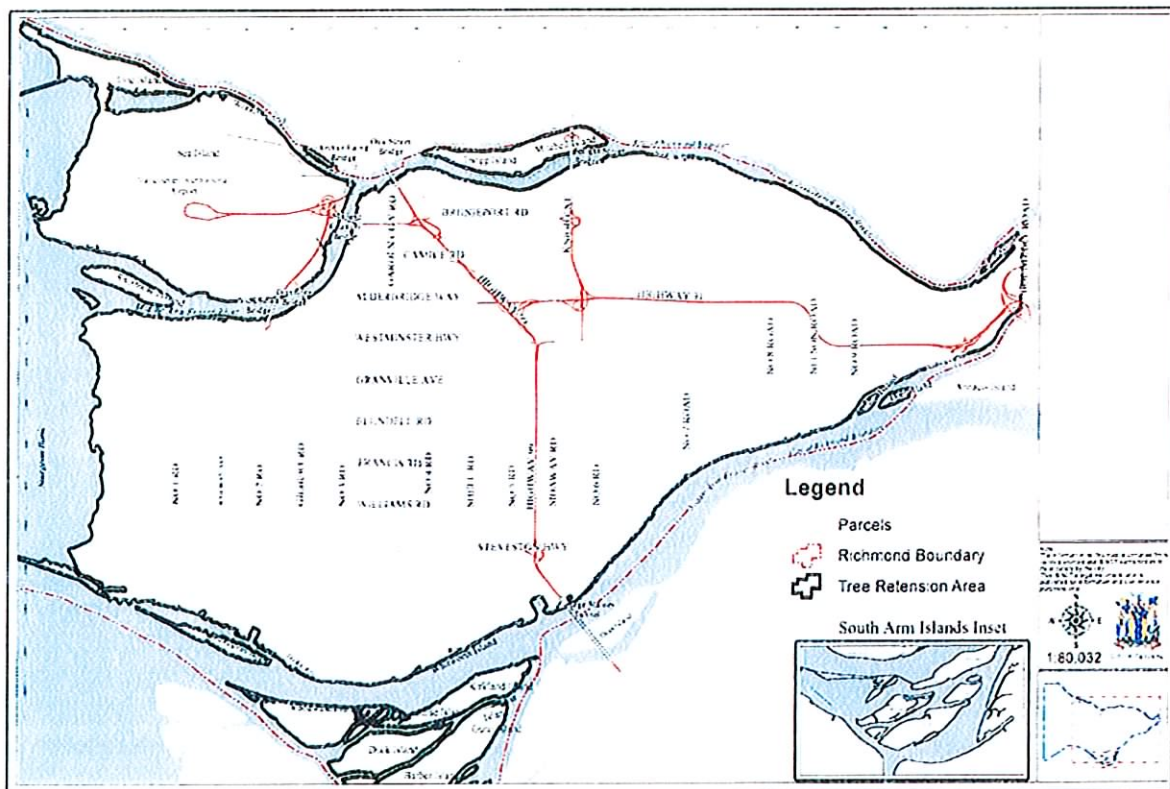
- (a) every replacement tree in respect of a deciduous tree cut or removed shall be a deciduous tree of the minimum **caliper** specified for replacement trees in Column 4 of Table 1 of this Schedule in respect of deciduous trees of the **dbh** specified in Column 2 cut or removed;
- (b) every replacement tree in respect of a coniferous tree cut or removed shall be a coniferous tree of the minimum height specified for replacement trees in Column 3 of Table 1 of this Schedule in respect of coniferous trees of the **caliper** specified in Column 2 cut or removed; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with an approved forest management plan, landscape plan and in all cases shall be planted in accordance with the current BCSLA (the British Columbia Society of Landscape Architects)/BCLNA (the British Columbia Landscape & Nursery Association) Landscape Standards; and
- (d) All replacement trees shall meet current BCSLA/BCLNA standards or such other standard as specified by the Manager.

Table 1

Class of Tree Cut or Removed	D.B.H. of Tree Cut or Removed	Minimum Height of Replacement Tree	Minimum D.B.H. of Replacement Tree
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Deciduous	8" – 12" (20-30cm)		2.5" (6cm)
	12" – 16" (30-40 cm)		3" (8cm)
	16" – 20" (40-50 cm)		3.5" (9cm)
	20" – 24" (50-60 cm)		4" (10cm)
	24"+ (60 cm+)		4.5" (11cm)
Coniferous	8" – 12" (20-30cm)	11.5 ft (3.5 m)	
	12" – 16" (30-40cm)	14 ft (4 m)	
	16" – 20" (40-50cm)	16 ft (5 m)	
	20" – 24" (50-60 cm)	18 ft (5.5 m)	
	24"+ (60cm+)	20 ft (6 m)	

SCHEDULE B to BYLAW NO. 8057

Those areas outlined in bold on the plan shown below are designated as tree retention areas under this bylaw.



SCHEDULE C to BYLAW NO. 8057

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

YOU ARE HEREBY NOTIFIED that the City of Richmond considers activity on this property to be in breach of its *Tree Protection Bylaw Number 8014*,

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

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

Persons affected by this Order may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

ADDRESS of PROPERTY

DATE

MANAGER

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

SCHEDULE D to BYLAW NO. 8057

