

Tree Protection Bylaw for Dummies

(A Practical Guide for Homeowners, Politicians and Professional Engineers)

Based on Bylaw No. 8057 Presented to GPC meeting, April 3rd. 2006.

What to do if you want to remove a tree or two.

You must apply for a permit in writing.

Application must include:

- \$50.00 unless exempted
- Purpose for removal
- Replacement plan
- Address and legal description
- Consent forms from owners and neighbours
- Complete list of removal methods including noise and dust control.

Application may require reports from:

- Professional engineer
- Professional biologist
- Certified arborist
- Geotechnical engineer
- Hydrologist
- Tree manager
- B.C. land surveyor
- Certified tree risk assessor
- Any other report or information the Manager deems necessary.

Take out loan to pay for reports.

Manager may issue permit - he doesn't have to.

So now you have a permit - you think you can cut down your tree.

Stop: put down the chain saw.

- Is your wood disposal system ready?
- Flag or paint the tree to be removed.
- Build protection barriers around all other trees on site
- Check your watch - no cutting between 6:00 pm to 8:00 am
- Cover all ditches and drains
- Fence off the entire area of operations - remember wood chippers can throw bits of wood a long way
- Check permit again to see if it includes the entire fenced area
- Get amendment to permit.

Start chain saw, remove tree and all wood

Report all coincidental damage to the manager and show repairs made.

Take out second mortgage - if you don't already need it yet; you'll need it for the next step.

You are not quite done yet; now it gets really expensive - I think the rest applies only if you remove more than one tree per year but I'm not sure since you submitted a replacement plan with your application.

Go to Schedule "A" to determine size of replacement tree

Find nursery that sells 20 foot tall conifer or 4.5 inch dbh deciduous tree

Dig really big hole in back yard

Hire massive crane to lift tree over house into back yard hole

Back fill hole and figure out what to cable your tree to in order to keep it from blowing over in the next wind storm - don't use other trees - you might damage them

Don't cut the tree back - you may be fined.

Maintain new tree forever, I think, I'm no longer sure.

Or repeat entire above process with new tree whenever you feel inclined to remove a tree.

Declare bankruptcy!

Your tree is now someone else's problem.

Coming soon.... CSI Trees.... brought to you by The City of Richmond

In the updated package I'm giving you today I have included an email to me from Doug Louth in which he accuses me of calling him a dummy. This was not my intent and so I would like to take this opportunity to apologize to him for any misunderstanding. In sending him a copy of my first draft entitled Tree Protection Bylaw for Dummies, the same one I sent to you, I thought he might gain an insight as to why I believe the bylaw is flawed. I guess I was wrong.

I wrote and revised this work several times in response to the confusion at the last General Purposes Committee meeting where people were unclear about what the bylaw actually said. I thought the plain English version, written in point form, from the homeowner's point of view, with a little added humor, would help to make responsibilities clear to all.

Today I would like to point out some of the more ludicrous aspects of the bylaw being brought to you by staff for your approval. Most of them can also be found in the bylaw currently in effect.

Technically every time I drive my truck down my driveway I am subject to a \$10,000.00 fine because my driveway runs between two large trees and I am driving over their roots within the drip line. [section

3.1.3(b)]

Currently my driveway is dirt and gravel and I have no right to pave or concrete it because of section 3.1.3(c).

I can't even carve my initials in my own tree; section 3.1.3(d).

If I want to cut branches from a tree overhanging my yard I first need a letter of consent from my neighbour [section 4.2.1(b)(v)] which I may not be able to obtain and then I need a permit which I may or may not get depending on the manager's mood.

If a car hits my tree and damages it I am liable for the \$10,000.00 fine because it is my tree that has been damaged and the city's recourse is to put my unpaid fine on my taxes. I would then need to sue ICBC, the driver of the car and the car's owner to try to recoup my losses.

In the minutes for the last meeting in response to one of my questions it was stated that the bylaw applies to city lands but not city works crews. Is this so that tolls in lieu of fines could be set up in areas where roads pass close to city owned trees and drivers are actually driving over the tree roots within the drip line?

It is my understanding that on November 14th. 2005 Council allocated a total of \$40,000.00 to develop the interim tree bylaw. On December 12th. another \$96,000.00 was provided for implementation and administration for 6 months. With all the consultants fees and staff time spent on this pilot project hasn't the funding run out yet? Subsequently I have learned that another \$250,000.00 was allocated in the 2006 budget for the year ending Dec. 31st. 2006. This brings the total expenditure on the tree bylaw to \$386,000.00 in a little over one year as I understand it. Under due diligence and best practices, I hope the consulting services contracts for this bylaw included a successful completion clause (adoption by Council of a permanent tree bylaw before payment) without any up front or progress payments since it is becoming increasingly apparent that what was provided was not what Council asked for, rather someone else's vision of what a tree bylaw should be.

If a court case ever arose, a judge will look at the intent of a law but the only reference he or she has is the bylaw itself. Judges do not have the benefit of asking City Council what their intent was so you must be clear in the bylaw you approve. If you don't want it to apply to homeowners that must be stated in the bylaw but remember developers and builders are homeowners too. **You cannot have it both ways - at least not with this bylaw.** In insisting that you protect my rights as a homeowner; builders and developers will also have the same rights. Just remember there are many more homeowners than builders and developers.

The current and proposed bylaws rely far too heavily on "professionals" of all sorts. Most trees in the city are not planted by or cared for by professionals but rather ordinary homeowners. As such we also deserve the right to manage our trees as we see fit. If the bylaw is defeated I would like some sort of assurance from council that we will not be facing the same type of punitive bylaw anytime in the near future.

Hi Joe,

As you are well aware, I was the only one speaking in favour at the GPC for a strong tree bylaw for our city.

I disagree with your e-mail and take exception to you calling people like me as dummies for believing in a tree protection bylaw.

Saving our trees within our neighbourhoods with a bylaw is no different from council adopting a "Heritage Designated Tree Bylaw" some time ago.

A precedent-setting bylaw would assure that permits for developing property including those where demolition of existing structures is required, would deal with retaining existing trees. This bylaw would also stop individual property owners from massacring all their trees over a few years.

With an adopted bylaw, the provincial provides the legal authority, under the local government act 708-715, in conjunction with the community charter to levy penalties for unauthorized tree removal. Staff has already confirmed in a report to council that they have the legal authority to draft a tree bylaw.

Do you really know why we should adopt a tree bylaw? Even children can tell you, trees produce oxygen and absorb carbon dioxide. Trees provide vital food and shelter for birds and animals. Trees provide shade from the sun's burning rays. Trees can reduce run off by intercepting, therefore reducing erosion. Remember the North Shore. Trees beautify our homes and parks and improve our quality of life. Trees provide fruits, nuts and flowers for our enjoyment. Even some drugs come from trees. Studies have shown large willows breathe tonnes of water vapours into the air on the hot summer days.

How many times have you driven through our magnificent country and commented on how beautiful the scenery looks, and your camera working overtime. When our province is advertising for the almighty tourist dollars on television and magazines worldwide, they do not show the east side of Vancouver, but a panorama view of our trees and mountains.

Therefore, to protect trees on residential and commercial properties we need a bylaw that will save us from the chainsaws. Council try education and it did not work. When the mayor asked another delegate what he would suggest because education did not work, he replied that is what we pay you to do. To come to a meeting not prepared with any solutions tells me that the mayor and councils is on the right track in adopting a tree bylaw.

In closing, I recognized we are on different side of this issue and I do respect your viewpoints. Is development and the preservation of a natural balance in our environment mutually exclusive? **Is there a way to strike a balance? Is there a reason to strike a balance? Of course, there is a reason to strike a balance and I have provided some of those reasons above, but I object to been called a dummy, because I believe in a tree bylaw.** .

Let's debate the issue like adults.

Doug Louth