

Bylaw No. 2065

WHEREAS the Council may, by bylaw, pursuant to the statutory powers of the Community Charter, exercise powers to regulate and prohibit in relation to the cutting, damage, and removal of trees and to require their replacement;

AND WHEREAS the Council considers it in the public interest to provide for the protection and preservation of trees, the regulation of their cutting and removal and their replacement;

NOW THEREFORE the Municipal Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the “Central Saanich Tree Management Bylaw No. 2065, 2021”

2. DEFINITIONS

“Arborist Report” means a technical report prepared by an *arborist* which:

- (a) identifies information relevant to the purpose for which the report is to be submitted to the District including, but not limited to, surveyed location, species, size and condition of the subject tree or trees;
- (b) provides the reasons for any proposed *removal* of a tree or trees;
- (c) describes the recommended tree protection and mitigation measures; and
- (d) includes a tree replacement strategy.

“Arborist” means a person holding a current certification of “certified arborist” issued by the International Society of Arboriculture.

“Council” means the Municipal Council of the Corporation of the District of Central Saanich.

“Cut” means, in relation to a tree, to cut down, fell, kill, *remove* or damage a tree or tree part by any means, including the roots, trunk or leader(s) of a tree.

“Damage” means, means to take any action that may cause a tree to die or decline, including:

- a) cutting or damaging the roots of a tree growing inside the protected root zone;
- b) placing fill, building materials, asphalt or a building or structure upon land inside the protected root zone of a tree;
- c) operating or parking vehicles including trucks, backhoes, excavators or other heavy equipment over the roots of a tree growing inside the protected root zone;
- d) stripping bark, gouging or otherwise damaging the trunk of a tree;

- f) depositing concrete washout or other toxins, liquid or chemical substances harmful to the health of a tree on land inside the protected root zone of the tree;
- g) removing soil from within the protected root zone of a tree or compacting soil within the protected root zone;
- h) blasting inside the protected root zone of a tree or outside the protected root zone so as to damage roots or disturb soil inside the protected root zone;
- i) undermining the roots of a tree growing inside the protected root zone;
- k) topping a tree or *pruning* the crown in excess of one-third of the tree;
- m) girdling, ringing, poisoning, or burning a tree.

“DBH” means the diameter of the trunk of a tree measured at 1.4 metres above the existing grade of the ground adjoining its base (diameter at breast height). For multi-stemmed trees, DBH shall be measured as the cumulative total of the DBH of the three largest stems.

“Development Application”, means applications for subdivision, development permit, development variance permit, temporary use permit, amendment to the Official Community Plan or Land Use Bylaw (excludes Building Permit and Demolition Permit applications).

“Director”, means the Director of Planning and Building Services, as duly appointed by Council, or any person authorized to act on this position’s behalf.

“District” means the Corporation of the District of Central Saanich.

“Emergency Tree Removal” means a *permit tree* that is dead, diseased, damaged or otherwise constitutes an imminent physical hazard to persons or property.

“Environmentally Sensitive Areas” includes:

- (a) Environmental Development Permit Areas as defined in Schedule E of OCP Bylaw no. 1600
- (b) Riparian Development Permit Areas as defined in Schedule F of OCP Bylaw no. 1600.

“Hazardous Tree” means a tree identified in writing by a *Qualified Tree Risk Assessor* as having an imminent likelihood of failure and/or a high or extreme risk rating within a 2 year time frame.

“Hedge” means five or more trees or shrubs all planted less than 1.25 metres apart and planted in a row.

“Landscape Architect” means a landscape architect registered with the British Columbia Society of Landscape Architects.

“Municipal Engineer” means the person duly appointed by Council as Municipal Engineer, or any person authorized to act on this position's behalf.

“Nesting tree” means a tree with one or more active or inactive nests of birds designated as protected, threatened or endangered under the Wildlife Act.

“Net Developable Area” means the land area, measured in hectares, available for development but does not include public highways, utilities or structures and the allocation of lands for public parks, ESAs, and other public works required to service lands;

"Permit Tree", means a *protected tree* or a living, erect, self-supporting woody plant which is 30 centimetres or more in diameter at *DBH* except when planted as a *hedge*.

“Protected root zone” means the area of land surrounding the trunk of a tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an *arborist* approved by the Director or as specified in Schedule “D”.

“Protected Species” means a tree over 50 centimeters in height of the following species:

- (a) Garry Oak (*Quercus garryana*);
- (b) Arbutus (*Arbutus menziesii*);
- (c) Pacific Dogwood (*Cornus nuttallii*);
- (d) Pacific Yew (*Taxus brevifolia*);
- (e) Shore Pine tree (*Pinus contorta*);
- (f) Trembling Aspen tree (*Populus tremuloides*).

"Protected Tree" means the following:

- (a) a *protected species* or a *significant tree* as defined in this bylaw;
- (b) a *nesting tree* as defined in this bylaw and protected by the Wildlife Act;
- (c) a tree planted or retained as a requirement of a *development application* or *tree permit*;
- (e) a tree protected by a restrictive covenant pursuant to Section 219 of the Land Title Act RSBC 1979 c219;
- (f) a tree of any size on *District* owned or managed property;
- (g) a tree of any size within the Erosion District shown in Schedule “F”; and,
- (h) a tree of any size within the *Environmentally Sensitive Areas*.

“Prune” or “pruning” means the selective cutting of living or dead branches of a tree consistent with promoting the health and growth of the tree, as consistent with the International Society of Arboriculture’s standards of arboriculture practice. This does not include topping of a tree.

“Qualified Tree Risk Assessor” means a person who has a valid Tree Risk Assessment Qualification as awarded by the International Society of Arboriculture (ISA).

“Remove” means to cut a tree and to remove it from the lot where it exists. "Removed", "removal" and "removing" shall have the corresponding meaning.

“Replacement Tree” means a tree that is:

- (a) At least 5 cm caliper if deciduous or 2.5 m tall if coniferous tree. *Protected species* are exempt from this requirement;
- (b) Of a species that will grow to 20 cm *DBH* or greater at maturity; and,
- (c) Specified to be planted as a condition of a *tree permit* or required to be planted as a result of a violation of this bylaw which is intended to replace an existing tree.

“Significant Tree” means a tree that is greater than 60 cm *DBH* not including cottonwood (*Populus balsamifera ssp. trichocarpa*), alder (*Alnus rubra*), Leyland cypress (*Cupressus x leylandii*) or Lombardy poplar (*Populus nigra*) species.

“Tree Permit” means a permit and its conditions as issued under this Bylaw.

“Tree Planting Reserve Fund” means the fund set aside for the purpose of planting trees or undertaking urban forest stewardship activities in locations within the District of Central Saanich to be determined in accordance with *District* policies.

“Tree Protection Barrier” means a barrier constructed around a tree in accordance with Schedule “D” of this Bylaw, or as approved by the *Director*, to protect the tree from *damage* during site work or construction.

“Tree Protection Plan” means a plan which contains all of the information and measures needed to communicate clearly the relationship between the tree resource and both existing and proposed site conditions, identifies which trees will be retained, *removed* and replaced, and what measures will be taken to protect those trees to be retained or planted, and identifies the location of *Tree protection barriers*. The plan must be prepared by an *arborist*.

“Tree Replacement Plan” means a plan that identifies the locations for re-planting, numbers of *Replacement trees*, species and size of *Replacement trees*. The plan may be prepared by an *arborist* or *landscape architect*.

“Tree Survey” means a legal survey plan prepared by an engineer or by a surveyor registered as a British Columbia land surveyor, that illustrates the location of trees in and adjacent to the subject property or in relation to property lines, along with the size and species of each tree, plus any other information required by the *Director* for the purpose of assessing a *tree permit* application.

3. APPLICATION AND EXEMPTIONS

(1) This bylaw applies to all properties within the *District* and to all *permit trees* except to:

- (a) *Permit trees* that are cut, *removed* or damaged, pursuant to the Railway Safety Act, R.S. 1985, c. 32 (4th Supp.), the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212 or the Pipeline Act, R.S.B.C. 1996, c. 364;
- (b) *Permit trees* on District-owned property or highways that are cut or *removed* by the *District* or its authorized agents in accordance with approved *District* operations;
- (c) *Permit trees* that are part of plantations for the purposes of an orchard, nursery, or tree farm;
- (d) *Permit trees* on land that is zoned Tourist Display Garden: C-8 as described in the Land Use Bylaw;

- (e) land owned by the Crown in right of Canada or British Columbia or is being used by or on behalf of the federal or British Columbia government.
- (f) land currently designated and managed under the Private Managed Forest Land Act;
- (g) land under a licence, tenure or approval granted under the Forest Act with respect to uses of the land, for as long as the licence, tenure or approval remains current and valid.

4. PROHIBITIONS

- (1) No person shall cut, *remove* or *damage* any *permit tree* or cause, suffer or permit any such tree to be cut, *removed* or *damaged*, except where permitted by and in accordance with the terms of this Bylaw.
- (2) No person shall fasten any sign, notice, or other object to, around, or through any tree or shrub of any size located on District-owned or occupied land, including any tree or shrub located on a highway.
- (3) When the *District* is investigating a bylaw infraction under this Bylaw, no person shall *remove* the remains of a tree until after the investigation by the *District* is complete.
- (4) No person shall fail to comply with the terms and conditions of a *tree permit* issued pursuant to this Bylaw.
- (5) No person shall provide information in support of a *tree permit* application, which is false, inaccurate, incomplete or erroneous.
- (6) For the purposes of this Bylaw, an *arborist report* will only be accepted by the *District* within one year of the date of issuance of the *arborist report*.

5. TREE PERMITS

- (1) A person wishing to *cut* or *remove* a *permit tree* or submitting a *development application* shall apply to the *Director* for a *tree permit* except when:
 - (a) *tree removal* will not result in the number of *permit trees* on a lot falling below 50 *permit trees* per hectare as calculated in Schedule “A”, provided that the trees being *removed* are not:
 - (i) A *protected tree*.
 - (ii) In relation to a *development application*.
 - (iii) Owned by another person or entity.
 - (b) *pruning* a *permit tree* that they own if:
 - (i) branches are less than 10 cm in diameter and *pruning* is in accordance with sound arboricultural practice and the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication “Best Management Practices – Tree Pruning”, published by the International Society of Arboriculture.

- (ii) *pruning* is carried out by an *arborist* in accordance with sound arboricultural practice and the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication “Best Management Practices – Tree Pruning”, published by the International Society of Arboriculture.
- (c) On lands within the Agricultural Land Reserve where the *District* has received a written statement signed by the owner declaring that the *permit tree* is to be *cut* or *removed* to permit agricultural use.
- (2) When a *tree permit* application is submitted in relation to a *development application*, the *development application* shall not be approved until the *tree permit* has been issued, unless the *Director* otherwise waives this requirement.
- (3) For *Emergency tree removals* a person must submit an application for a *tree permit* within 24 hours of the date of *removal*, or in the case of a *removal* which takes place on a weekend or statutory holiday, on the next business day after *removal*, and provide photo documentation of the tree prior to its *removal* with the application.
- (4) The *Director* may issue a *tree permit* if:
 - (a) The *Director* is satisfied that one or more of the following conditions exists:
 - (i) a tree is *hazardous tree*, or where the applicant has otherwise demonstrated to the satisfaction of the *Director* that the tree is dead, damaged, diseased or in decline beyond expectation of recovery;
 - (ii) the tree is causing structure or infrastructure impairment, interference or risk and that the impairment, interference or risk cannot be reduced or removed in any way other than the *removal* of the tree, as determined by the *Director* or a qualified professional engineer with the approval of the *Director*;
 - (iii) the *removal* of the tree is required for the construction or installation of a driveway, roads or services, required off-street parking area, septic tank or field, below ground service line, or an above ground utility corridor, and where, no other suitable locations or low impact construction methods are available for the placement of the driveway, roads, services, parking area, septic tank or field, service line or utility corridor, as determined by the *Director*.
 - (iv) the tree is located within the footprint of a proposed building or structure, underground service, driveway, or off-street parking area that would be permitted under the Land Use Bylaw, or that is required pursuant to any other *District* bylaw, and that could not be modified or relocated on the lot so as to retain the *permit tree*, as determined by the *Director*.
 - (v) the tree is situated within two (2) metres of a lawfully constructed building foundation wall.
 - (vi) with applications for *tree permits* in the Erosion District (Schedule “F”), the application is approved by both the *Director* and the *Municipal Engineer*.

- (b) The *Director* has approved an *arborist report* and a *tree protection plan*, if required, and security has been provided in accordance with section 9(3);
 - (c) The applicant has paid the permit fee required in Section 6(1); and,
 - (d) All other conditions of this bylaw have been met.
- (5) After reviewing an application for a *tree permit*, the *Director* may do any of the following:
- (a) issue a *tree permit* which may impose terms and conditions in accordance with this Bylaw;
 - (b) refuse to issue a *tree permit* and provide written notice of the reasons for refusal within 15 days of the date of refusal.
- (6) The *Director* may, as a condition of any *tree permit*, require that:
- (a) a *tree survey*, *arborist report*, *tree replacement plan* or all of the above, in accordance with Schedule “C” accompany the *tree permit* application;
 - (b) when *removing* trees in the Erosion District (Schedule “F”), a report from a Registered professional engineer be provided certifying that the proposed cutting of trees will not create a danger from flooding or erosion, or recommending such conditions to be imposed by way of the *tree permit* as are, in that professional engineer’s opinion, required to ensure that the tree cutting will not create such a danger;
 - (c) when *removing* trees in *Environmentally Sensitive Areas*, a report from a Registered Professional Biologist be provided to confirm that tree *removal* activities will not negatively impact the Environmentally Sensitive Area, including wildlife;
 - (d) preliminary lot grading and servicing plans accompany the *tree permit* application;
 - (e) written confirmation and photo documentation by an *arborist* that tree barriers are in place and constructed to the requirements of this Bylaw and are consistent with the *tree protection plan*;
 - (f) require that the *damage* or *removal* of trees or specific trees be carried out under the supervision of an *arborist*;
 - (g) require restrictions on timing of *removal* given sensitivities to bird nesting, fish, wildlife or sediment and erosion control;
 - (h) require stumps and roots of *cut* trees to be kept in place to ensure slope stability or mitigation against erosion where recommended by a geotechnical engineer.
 - (i) In addition to the conditions set out herein, the *Director* may impose conditions dealing with the extent, timing and phasing of tree cutting, *removal* and replacement if such conditions are considered necessary to address public health and safety issues, minimize impacts to adjacent properties, or protect other environmental features or functions.

- (j) written confirmation and photo documentation by an *arborist* or *landscape architect* that all *replacement trees* required under a *tree permit* have been planted for one year and have been planted and maintained in accordance with Schedule “E”;
- (7) The *Director* may retain the services of an independent *arborist* to review an *arborist report* submitted to the *District* under the provisions of this Bylaw, in support of an application for a *tree permit*, in instances where the completeness or accuracy of the report are brought into question through a field inspection by *District* staff. Where the original *arborist report* submitted to the *District* is shown to be incomplete or inaccurate, the cost of the independent *arborist report* shall be paid by the owner and collected by the *District*, prior to the issuance of the related *tree permit*.
- (8) A *tree permit* is valid for a period of twelve months from the date of issuance. Application for amendments to the *tree permit* can be made within the twelve month period.
- (9) The *Director* may revoke a *tree permit* if the terms and conditions of the permit have been breached or the information supplied by the applicant in support of the permit is found by the *Director* to have been inaccurate, incomplete or erroneous.

6. PERMIT APPLICATION

- (1) Every application for a *tree permit* or an amendment to a *tree permit* shall be made to the *Director* on the form prescribed for that purpose from time to time by the *Director* and shall be accompanied by a non-refundable application fee as follows:
 - (a) *Hazardous tree removal* and no *development application* pending: \$0.
 - (b) *Non-hazardous tree removal* or *development application* pending: \$75 base fee plus \$25 per tree removed up to a maximum of \$200.
 - (c) Amendment to a *tree permit*: \$75
- (2) An application for a *tree permit* shall include the following information:
 - (a) completed application for *tree permit* on the form approved by the *Director*, signed by the registered owner(s) or by the owner’s agent who is authorized in writing to act on behalf of the owner in relation to the application;
 - (b) where the stem of a tree at ground level is growing over the applicant’s property line, written consent from all adjacent property owner(s) on title, or the Strata Corporation where applicable;
 - (c) unless the application is for the *removal* of a *hazardous tree* and no other tree, title search dated no more than thirty calendar days prior to the date of the application along with copies of any covenants or similar agreements registered against title to the lot and relating to the use of the lot or the cutting or *removal* of trees on the lot;
 - (d) a statement on the application form regarding the purpose and rationale for which the *permit trees* are to be *cut* down or damaged, with detailed reasons and support for the application;
 - (e) any documentation required by the *Director* as a condition of the *tree permit* per Section 5 (7).

(3) In addition to section 6(2), all applications for a *tree permit* related to a *development application* shall include:

- (a) A *tree survey*;
- (b) An *arborist report*; and
- (c) A *tree protection plan* prepared in accordance with Schedule “C”.

(4) A permit application is valid for three months from date of application. If required information for the permit application has not been submitted within three months, the application will be closed.

7. TREE CUTTING

- (1) All work authorized by a permit shall be conducted by the Owner or by a tree service company that has a valid business license to work within the District of Central Saanich.
- (2) All watercourses, waterworks, ditches, drains, sewers, or other established drainage facilities shall be kept free of all wood waste arising from or caused by the cutting or *removal* of a *permit tree*.

8. TREE PROTECTION AND MITIGATION REQUIREMENTS

- (1) A *tree protection barrier* shall be placed around the *protected root zone* of all retained *permit trees* identified in the *tree protection plan* in accordance with Schedule “D” and the approved *tree protection plan*. No *tree permit* shall be issued before the *tree protection barrier* has been installed and approved by the *Director*, unless otherwise directed by the *Director*. The *tree protection barrier* shall remain intact for the entire duration of the tree cutting and *removal* and shall remain intact for any construction, demolition, or land alterations throughout the entire period of construction, demolition, or fill;
- (2) *Damage* inside the *protected root zone* of a *permit tree* is prohibited except in accordance with the terms and conditions of a *tree permit*.
- (3) Notwithstanding subsections (1) and (2), a *tree protection barrier* may be temporarily *removed* or relocated in order to allow work to be done within or near a *protected root zone* if the applicant has, prior to such *removal* or relocation, provided the *District* with:
 - (a) a report from the applicant’s *arborist*, satisfactory to the *Director*, setting out the reasons and proposed duration for such *removal* or relocation; and,
 - (b) a signed letter of undertaking from the applicant’s *arborist*, in the form prescribed for that purpose from time to time by the *Director*, confirming that the applicant’s *arborist* will be onsite and supervising all such work.

and thereafter the applicant shall only *remove* or relocate the *tree protection barrier* in accordance with the approved report and at those time during which the applicant’s *arborist* is onsite and supervising all such work.

- (4) The holder of a *tree permit* related to a *development application* must follow the Best Tree Protection Practices set out in Schedule “B” and comply with all of the conditions set forth in the

tree protection plan attached to their *tree permit* for any *permit tree* on the lot, or on an adjacent property, which may be impacted.

9. REPLACEMENT TREES, SECURITY AND 'TREE PLANTING RESERVE FUND'

(1) Where the *Director* has issued a *tree permit*:

(a) in relation to a *development application*, the following replacement formulas shall be followed:

(i) each *permit tree* removed shall require three replacement trees up to a maximum total at which the lot achieves fifty (50) *permit trees* per hectare and the total number of trees required on the lot shall be determined using the formula in Schedule "A".

(ii) for the purpose of calculating whether the lot achieves fifty (50) *permit trees* per hectare under subsection (1)(a)(i), there will be credit granted for:

1. Retained *permit trees*, each of which shall count as a credit of one tree except when it is a *protected species* or a *significant tree*, which shall count as a credit of three trees;
2. *Replacement trees*, each of which shall count as a credit of one tree except when it is a *protected species* or a species capable of reaching 60 cm DBH or greater at maturity, which shall count as a credit of two trees.

(iii) Notwithstanding subsection (1)(a)(ii)(1), no credit will be granted for a *permit tree* that is dead, damaged, diseased or in decline beyond expectation of recovery.

(iv) Notwithstanding subsection (1)(a)(i), if the tree *removed* is growing within *Environmentally Sensitive Areas*, three *replacement trees* of suitable native species shall be required for every tree *removed*.

(v) Notwithstanding subsection (1)(a)(i), if the stem, at ground level, of the tree *removed* is growing in part or entirely on *District* owned or managed property the owner shall provide to the *District* a cash-in-lieu payment of \$750 for each required *replacement tree* into the *Tree Planting Reserve Fund* at a ratio of three *replacement trees* for every tree *removed*.

(b) Other than in relation to a *development application*, the following replacement formulas shall be followed:

(i) Each *permit tree* removed shall require three *replacement trees* up to a maximum total at which the lot achieves 50 *permit trees* per hectare and the total number of trees required on the lot shall be determined using the formula in Schedule "A".

- (ii) There will be credit granted for a *replacement tree* that is a *protected species* or a species capable of reaching 60 cm *DBH* or greater at maturity, which shall count as two *replacement trees*.
 - (iii) Notwithstanding subsections (1)(b)(i) and (1)(b)(ii), if the tree *removed* is a *hazardous tree*, one *replacement tree* shall be required up to a maximum total at which the lot achieves 50 *permit trees* per hectare.
- (2) *Replacement trees* must be planted and maintained in accordance with the condition and planting criteria set out in Schedule “E”.
- (3) Subject to section 9(1), where the planting and maintenance of a *replacement tree* is required pursuant to this Bylaw, the owner shall provide to the *District* security in the amount of \$500 for each tree to be planted and maintained to a maximum of \$10,000 per application.
- (4) Where the *replacement trees* are part of a landscaping plan approved as part of a development application, the required security is to be in the amount specified in the approved development permit.
- (5) The security in section 9(3) may be submitted in the form of cash, cheque or irrevocable letter of credit, bank draft or in a form satisfactory to the *Director*.
- (6) Full security for each *replacement tree* held by the *District* will, upon application by the owner, be returned to the permit holder one year from the date of planting, upon approval by the *Director* that each *replacement tree* remains in a healthy condition and subject to a written report by an *arborist* or *landscape architect* statement to confirm the health of the tree as may be reasonably required from the *Director*.
- (7) If an owner fails to or refuses to plant the required number, size and type of *replacement trees* in the specified locations within one year after receiving written direction from the *Director* to do so or after a planting date as otherwise agreed upon, the *District* may deposit the securities in the *Tree Planting Reserve Fund*.
- (8) If an owner determines it is not feasible or desirable to provide *replacement trees* on the same lot on which the trees were *cut*, the owner shall provide to the *District* a cash-in-lieu payment of \$500 for each required *replacement tree* into the *Tree Planting Reserve Fund*.

10. INSPECTIONS, ASSESSMENTS AND ORDERS TO COMPLY

- (1) Subject to the requirements of Section 16 of the Community Charter every municipal employee has the right to enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- (2) No person shall prevent or obstruct or attempt to prevent or obstruct entry of any municipal employee authorized entry under subsection (1).
- (3) If work not in compliance with permit conditions is proceeding, a stop work order shall be posted on the lot, and no further work shall take place on the lot until the work is in compliance with the conditions of the permit.

11. APPLICATION FOR RECONSIDERATION

- (1) A person who is subject to a decision or direction of the *Director* is entitled to have *Council* reconsider the matter.
- (2) A person who has submitted a request for reconsideration, pursuant to subsection (1), must not *cut* or *damage* trees in contravention of this Bylaw or a *tree permit* pending the decision of *Council*.

12. OFFENCE

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence, is subject to the penalties imposed by this Bylaw, the Municipal Ticket Information Utilization Bylaw No. 1545, 2007, and the Offence Act.
- (2) Each tree unlawfully *cut* down, damaged, or *pruned* without a permit and each day that a violation of this Bylaw is caused or permitted to exist by any person, shall constitute a separate offence.
- (3) It is an offence under this Bylaw for any owner or occupier of land, or any person acting under the authority of an owner or occupier to hire, permit or suffer another person to *cut* down or *damage* a *protected tree*, or do any other act prohibited by this Bylaw.

13. PENALTY

- (1) Further to section 12(1), any person who cuts down or damages a *permit tree* in contravention of this Bylaw shall provide to the *District* in respect of each *permit tree cut* down or *removed* the sum of \$50.00 per centimetre of trunk diameter measured at breast height or, if the tree is *removed*, at stump height, for payment into the *Tree Planting Reserve Fund*.
- (2) In addition to any other penalty, any person who cuts down or damages a *permit tree* in contravention of this Bylaw shall:
 - (a) plant a *replacement tree* of the same species or approved alternate native species as were *cut, removed* or damaged, in approximately the same location as the tree *removed* and within a time prescribed by the *Director*;
 - (b) plant and maintain *replacement trees* in accordance with the criteria set out in Schedule "E"; and,
 - (c) provide to the *District* security in the amount of \$500, for a period of one year in the form of cash, cheque or irrevocable letter of credit, bank draft or in a form satisfactory to the *Director* to guarantee performance of the requirements of this section.
- (3) If any owner does not comply with a requirement under subsection (2) of this bylaw to plant and maintain *replacement trees*, the *Director* may issue a written notice that the *District* will be entitled to plant and maintain *replacement trees* at the owner's expense if the owner does not take the required action within 30 days of service of the notice.
- (4) If the owner does not take the action required by a notice issued pursuant to subsection (3) within the specified time, the *District* may:

- (a) by its employees or others, enter onto the property and take the action at the expense of the owner, or take action to plant and maintain an equivalent number of *replacement trees* on *District* land at the expense of the owner; and,
 - (b) if the *District* holds security for the provision, installation, and maintenance of *replacement trees* under this bylaw, draw upon the securities provided and expend the funds to cover all costs and expenses of carrying out the work described herein or deposit it in the *Tree Planting Reserve Fund*.
- (5) In the event that the owner of the lot described in subsection (4) fails to pay the costs of compliance before the 31st day of December in the year following the year that the compliance was effected by the *District*, the costs shall be added to and form part of the taxes payable on the lot as taxes in arrears.
- (6) Prosecution of a person pursuant to section 12 of this Bylaw does not exempt the person from the provisions of section 13 of this Bylaw.

14. GENERAL PROVISIONS AND SEVERABILITY

- (1) Any section, subsection, sentence, clause or phrase of this Bylaw which for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of the Bylaw.
- (2) All Schedules referred to herein are attached to and form part of this Bylaw.

READ A FIRST TIME on this **31st** day of **May** 2021.

READ A SECOND TIME on this **31st** day of **May** 2021.

READ A THIRD TIME on this **31st** day of **May** 2021.

ADOPTED this **28th** day of **June** 2021.

Ryan Windsor
Mayor

Christine Culham
Chief Administrative Officer

SCHEDULE “A” CALCULATION OF FIFTY PERMIT TREES PER HECTARE

The number of *permit trees* required to achieve 50 *permit trees* per hectare shall be calculated by the formula:

$$\frac{\text{Lot area (m}^2\text{)}}{10,000} \times 50 = \text{Number of Permit Trees required}$$

Or else, the table below may be used to reference the number of *permit trees* (30 cm or greater DBH) required by area to achieve 50 *permit trees* per hectare for lots up to one hectare in size.

Area (m ²)	Permit Trees Required	Area (m ²)	Permit Trees Required
<300	1	5100 - 5299	26
300 - 499	2	5300 - 5499	27
500 - 699	3	5500 - 5699	28
700 - 899	4	5700 - 5899	29
900 - 1099	5	5900 - 6099	30
1100 - 1299	6	6100 - 6299	31
1300 - 1499	7	6300 - 6499	32
1500 - 1699	8	6500 - 6699	33
1700 - 1899	9	6700 - 6899	34
1900 - 2099	10	6900 - 7099	35
2100 - 2299	11	7100 - 7299	36
2300 - 2499	12	7300 - 7499	37
2500 - 2699	13	7500 - 7699	38
2700 - 2899	14	7700 - 7899	39
2900 - 3099	15	7900 - 8099	40
3100 - 3299	16	8100 - 8299	41
3300 - 3499	17	8300 - 8499	42
3500 - 3699	18	8500 - 8699	43
3700 - 3899	19	8700 - 8899	44
3900 - 4099	20	8900 - 9099	45
4100 - 4299	21	9100 - 9299	46
4300 - 4499	22	9300 - 9499	47
4500 - 4699	23	9500 - 9699	48
4700 - 4899	24	9700 - 9899	49
4900 - 5099	25	9900 - 10099	50

SCHEDULE “B” BEST TREE PROTECTION PRACTICES

1. Ensure all *protected trees* are tagged with uniquely-numbered metal tree tags.
2. Have a *tree survey* prepared by a BC Land Surveyor and a Consulting Arborist prepare a *tree protection plan* in accordance with Schedule “C” of this bylaw, and review with Proponent, Design Consultants (particularly Civil Engineer, Architect and Landscape Architect), General Contractor and relevant sub-contractors.
3. Apply for and obtain a *tree permit*.
4. Erect sturdy, well-signed, tree protection fencing in accordance with Schedule “D” prior to issuance of a tree permit
5. Conserve trees in groups, where possible. Conserve growing soils and “place-holders” for new trees, when planning your site.
6. Discuss site access, storage, servicing, blasting and work-sequencing requirements with your Contractor and resolve any conflicts with the *protected root zone* or tree protection measures.
7. When blasting, ensure that explosive materials are selected that minimize combustible gases, which may otherwise harm roots. “Pre-shearing” and low “particle velocities” will also help to minimize root trauma.
8. Store all excavation and building material away from retained trees.
9. Use an access route to the subject site that avoids impact on the root zones of adjacent trees.
10. Locate concrete washout areas away from retained trees (preferably down slope) and away from proposed and existing garden areas.
11. Where tree roots are impacted by digging or other site activities, damaged roots should be *pruned* cleanly just before the point of impact with a sharp pruner or saw. Roots *cut* by excavation must be immediately wrapped in a root curtain of wire mesh lined with burlap surrounded by posts, and the root curtain must be kept moist throughout the construction process.
12. Make use of new techniques and products to broaden the number and efficiency of the proposed tree protection options (e.g. hydraulic excavation, vertical shoring, on-grade road or sidewalk construction, pier and post construction, structural soils, permeable pavers etc.). Consult an *arborist* or *landscape architect*.
13. Apply a 10cm layer of tree chip mulch to *protected tree* areas to retain moisture, improve nutrients and increase beneficial soil biology.

SCHEDULE “C” TREE SURVEY, ARBORIST REPORT AND TREE PROTECTION PLAN STANDARDS

1. *Tree survey* to the following standard:
 - a. The *tree survey* must be completed by a registered BCLS surveyor or professional engineer.
 - b. All dimensions included on the *tree survey* must be metric.
 - c. The *tree survey* must be a scaled drawing, legible at 11” x 17” and include the following:
 - i. The locations and type of all existing and proposed utilities entering or immediately adjacent to the subject site.
 - ii. Legal description; rights-of-way, covenant areas, easements, existing and proposed property lines; existing and proposed building footprints and excavation zones; walkways, patios, driveways and access; existing and proposed grades at each of the four corners of the subject site; water, storm and sanitary sewer lines; Hydro, telephone and gas lines; plus any proposed or existing service kiosks must also be shown.
 - iii. The location and diameter of all on-site *permit trees* and *District* boulevard trees.
 - iv. Off-site trees whose diameter would require *tree protection barriers* on the subject property or at the property line.
 - v. The type (i.e. coniferous or deciduous) of all *permit trees*.
 - vi. A title block with north arrow, scale, date, surveyor or professional engineer’s seal and company name.
 - vii. A legend to identify symbols is required. Revised plans must be dated.
2. *Arborist report* including:
 - a. Title page/introduction to include: Project and proponent information, District of Central Saanich Business Licence number, project background and consultant’s assignment, general site observations including aerial context photo;
 - b. Description of trees to include:
 - i. Tree inventory in table format with species, *DBH*, canopy diameter, condition, location, retention suitability, tag number, comments about proposed site plan including potential tree impacts (comments should address tree *removals*, grading plan, site servicing, building elements and landscape grading, soil preparation, proposed hardscape, irrigation and lighting elements), retention/*removal* recommendation including comments for tree protection measures, *protected root zone*.
 - ii. Tree risk assessment in table format with *hazardous trees* summarized using the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ) criteria.
 - c. Tree preservation and removal summary table by *protected species*, *significant tree* and all other *permit trees*.
 - d. Tree replacement summary table calculating the total *permit trees* required on site, credits for retained trees onsite, credits for *replacement trees* onsite and any *replacement tree* deficit.
3. *Tree protection plan* (append to *arborist report*) showing:
 - a. The *tree survey*.
 - b. Site Plan Element overlays (architectural, grading, servicing, landscape).
 - c. Trees to be retained with *protected root zones* and *tree protection barrier* alignment.
 - d. Protective measure notes.

SCHEDULE "D" TREE PROTECTION BARRIER REQUIREMENTS

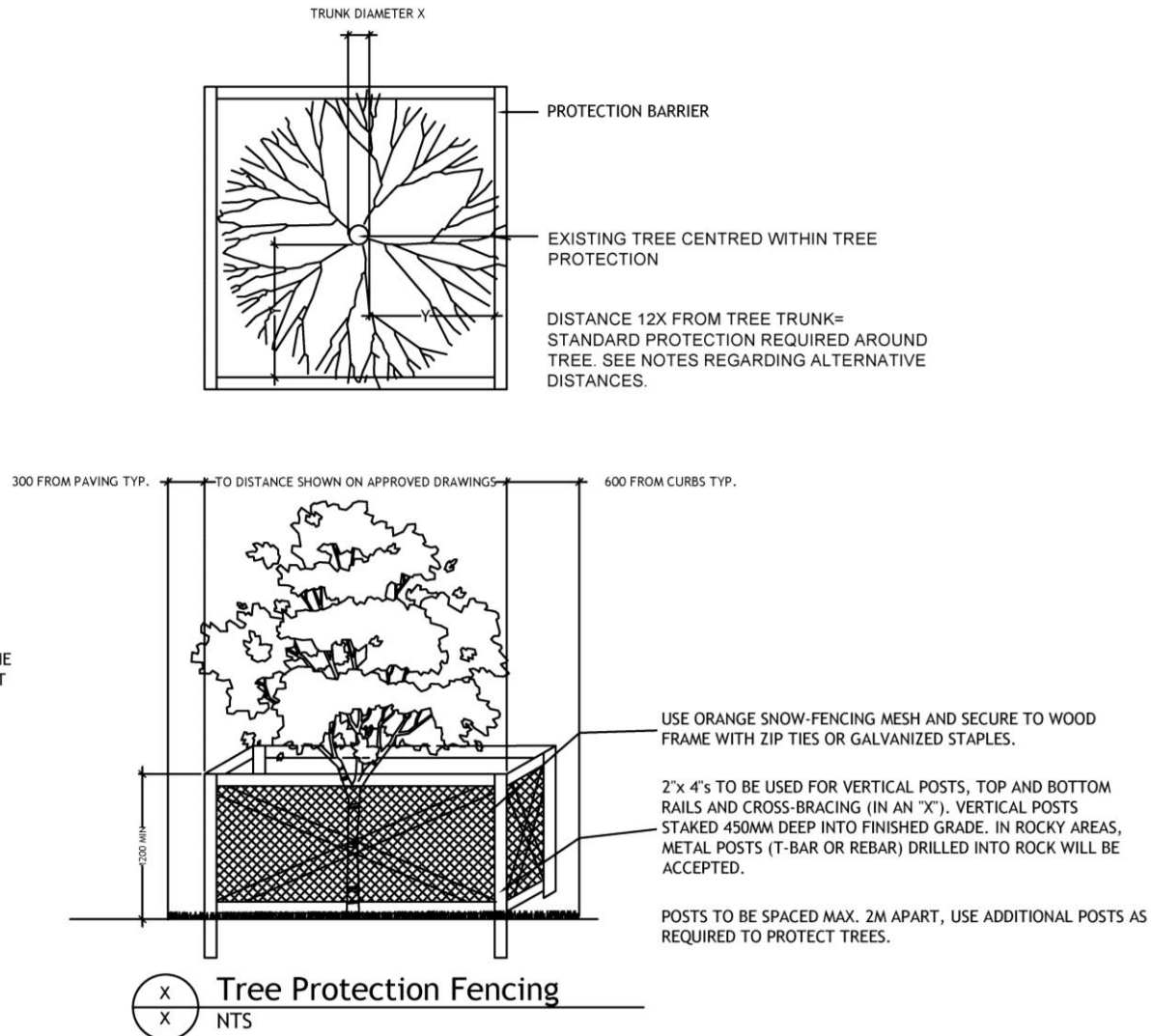
TRUNK DIAMETER X (cm)	STANDARD PROTECTION DISTANCE REQUIRED AROUND TREE-DISTANCE FROM TRUNK Y (m)
X	12X
20 cm	2.4 m
25 cm	3.0 m
30 cm	3.6 m
35 cm	4.2 m
40 cm	4.8 m
45 cm	5.4 m
50 cm	6.0 m
55 cm	6.6 m
60 cm	7.2 m
75 cm	9.0 m
90 cm	10.0 m
100 cm	12.0 m

NOTES:

1) REFER TO DISTRICT OF CENTRAL SAANICH TREE MANAGEMENT BYLAW FOR STANDARD PROTECTION REQUIREMENTS.

2) THE DIRECTOR MAY APPROVE AN ALTERNATIVE TO THE STANDARD PROTECTION DISTANCES WHERE AN ARBORIST CERTIFIES, TO THE DIRECTOR'S SATISFACTION, THAT A MODIFIED PROTECTION BARRIER WILL BE ADEQUATE TO PROTECT THE CRITICAL ROOT SYSTEM OF THE TREE SO THAT THE TREE REMAINS HEALTHY AND VIABLE.

2) INSTALL TREE PROTECTION BARRIER BEFORE CONSTRUCTION BEGINS AND KEEP IN PLACE UNTIL LANDSCAPE CONSTRUCTION IS COMPLETE. DO NOT MOVE BARRIERS WITHOUT DISTRICT'S PRIOR APPROVAL AND ARBORIST SUPERVISION.



SCHEDULE "E" REPLACEMENT TREE CRITERIA

Replacement trees must meet the plant condition and structure requirements set out in the latest edition of the BCSLA/BCLNA "B.C. Landscape Standard" and the CNTA "Canadian Standards for Nursery Stock" to be considered acceptable by the Director.

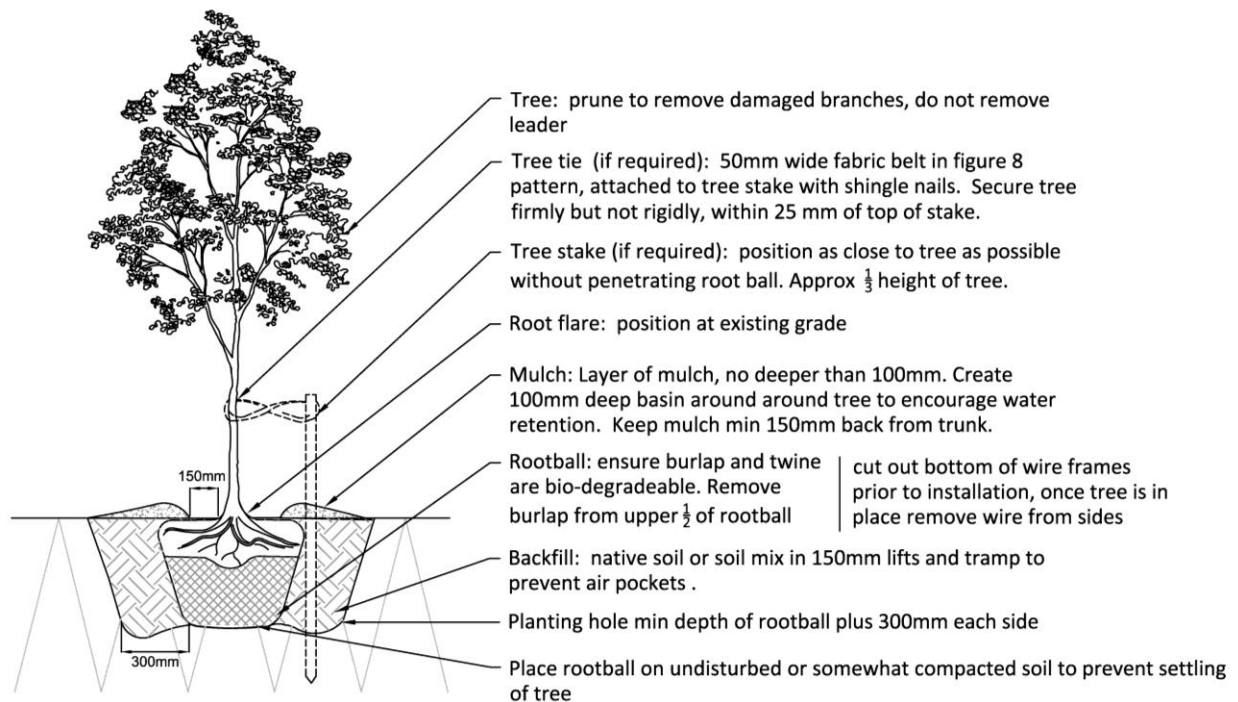
Replacement trees must be planted and maintained in accordance with the requirements set out in the latest edition of the BCSLA/BCLNA "B.C. Landscape Standard". Every *replacement tree* must have a height of at least 2.5 metres in the case of coniferous species and in the case of deciduous species must have a caliper of at least 6.0 centimeters measured 15 cm above the soil line.

Replacement trees shall not be planted within two (2) metres of a building foundation wall and within one (1) metre of any property line of a lot. Avoid planting over easements and maximize the planting distance away from below ground and above ground utilities.

Replacement trees must be planted between October and April.

Where no construction or site disturbance is proposed that would affect the planting of *Replacement trees*, the *Replacement trees* shall be planted within six (6) months of the date of tree *removal* or of the issuance of a notice to comply from the *District*. Where construction or site disturbance is proposed within 10 metres of the *replacement tree* installation, the tree shall be planted within six (6) months of the end of construction.

The planting of every *replacement tree* must be substantially in accordance with the proper tree planting diagram shown below. The *District* may change or recommend alternate species based on our knowledge of current tree inventories, site conditions and performance.



Notes:

1. Protect tree from damage during transportation.
2. Tree staking may be required in windy locations

SCHEDULE "F" EROSION DISTRICT

