

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 2407**



A Bylaw to regulate and prohibit the *cutting*, removal and *damage* of *protected trees* through the issuance of *Tree Management Permits* and the establishment of requirements for *tree* replacement and the posting of securities for *tree* protection and *tree* maintenance.

WHEREAS pursuant to Sections 8(3) (c) and 50 to 52 of the *Community Charter*, a *City* may, by bylaw, exercise certain powers to preserve and protect *trees* within the *City*, regulate the removal of *trees*, and require their replacement;

AND WHEREAS *trees* provide an essential environmental function in sequestering carbon dioxide, being a known contributor to climate change, while also helping to reduce the urban heat island effect;

AND WHEREAS *trees* can provide habitat for birds and wildlife;

AND WHEREAS the root system of *trees* can provide for slope stabilization and the uptake of stormwater helping to protect against *damage* to *property*, threats to human safety, and lessened impacts to municipal infrastructure;

AND WHEREAS Council considers it is in the public interest to provide for the conservation and propagation of *trees*, and the regulation of their removal and replacement;

THEREFORE under its statutory powers, including Sections 8(3) (c) and 50 to 52 of the *Community Charter*, the Council of the Corporation of the *City of White Rock*, in open meeting assembled, enacts the following provisions:

Part 1 –Introductory Provisions

Title

1. This Bylaw may be cited as “White Rock *Tree* Protection Bylaw, 2021 No. 2407”

Purpose

2. This Bylaw is intended to:
 - (a) Protect *trees* on private *property* and *City-Owned Properties* within the *City*;
 - (b) Prohibit the removal of *protected trees* in the *City of White Rock* without a permit;
 - (c) Prohibit the *damaging* of *protected trees*;
 - (d) Regulate and establish requirements for the removal, preservation, protection and replacement of *protected trees* through a permit process; and,
 - (e) Set forth inspection and enforcement provisions for *protected tree* conservation, removal and replacement, and penalties for *damaging* or removing *protected trees* without a permit.

Definitions

3. The following words and terms shall be used in applying the provisions of this Bylaw. Where any word or term is not defined, a standard English dictionary shall be used to aid in matters of interpretation.

“Applicant”

means the person(s) making application to the *City of White Rock* for a *Tree Management Permit*. An *Applicant* may be the *Owner(s)* or an authorized agent working on behalf of the *Owner(s)*.

“Arborist”

means a *tree* care professional who:

- (a) is recognized as a Certified *Arborist* by the International Society of Arboriculture (ISA); and
- (b) holds a valid ISA *Tree Risk Assessment Qualification (TRAQ)*

“Arborist Report” or “Tree Assessment Report”

means a report prepared by an *Arborist* or *Project Arborist* which includes:

- (a) a description of the subject *property* and proposal warranting the application;
- (b) a table identifying each *protected tree* on-site and off-site captured within the *Tree Survey (Inventory)* including: the *tree* species, size in *DBH*, *critical root zone*, *Tree Protection Zone*, condition and risk rating, reason for the removal, as well as any other information relevant to reviewing the potential impact of the proposal on the *tree(s)*;
- (c) colour photographs of the *protected tree(s)* in the context of the site, including photos of any aspect of the *tree(s)* which relate to their health / condition (e.g., evidence of structural defects, insect infestation, etc.);
- (d) the reason for any proposed removal of a *protected tree*, including reference to efforts undertaken to limit *tree* removal by way of alternative building siting and design;
- (e) for *protected trees* that are part of a stand of *trees*, comments on the impact of *tree* removal on the stability of the remaining *trees* in the stand;
- (f) for high risk *trees*, include a completed copy of the “ISA *Tree Risk Assessment Form*” and provide a summary of pruning and/or removal mitigation options in the event that *tree* removal is not necessary;
- (g) the following drawings / plans must be included in the Report, as applicable, with the scope of such satisfying the requirements included in the definition of each item (term):
 - a. *Tree Survey (Inventory)*;
 - b. *Tree Protection Plan*; and
 - c. *Tree Replacement Plan*;
- (h) includes the *Arborist’s* ISA Certification Number and TRAQ credential; and
- (i) includes the *City of White Rock* business license number

The scope of an *Arborist Report* or *Tree Assessment Report* may be modified on the basis of the extent of work proposed as determined by the *City*.

“Arboricultural Technician”

means someone employed by the *City* and assigned the responsibility of administering *Tree Management Permits* applications made pursuant to the provisions of this Bylaw.

“branch”

means a shoot or *stem* arising from a *stem* or trunk.

“caliper”

means the diameter of a *tree* at 15 centimeters (6 inches) above the *natural grade* of the ground, measured from the base of *tree*.

“City”

means the Corporation of the *City of White Rock*.

“City-Owned Properties”

means all properties owned by the *City of White Rock*, plus all road rights-of-way and dedications under the jurisdiction of the *City of White Rock*.

“conifer” or “coniferous”

means a *tree* that has needle-shaped or scale-like leaves and is cone-bearing.

“Coordinated Site Development Plan (CSDP)”

means a site development plan for a project that has been coordinated with all project consultants and reviewed, approved and signed by the *owner* (or authorized agent), Architect, Landscape Architect, *Project Arborist*, and Builder (the “Project Team”), where appropriate.

“Council”

means the municipal *Council* of the Corporation of the *City of White Rock*.

“crown”

means the upper *branching* or spreading part of the *tree*.

“critical root zone”

means the area of land surrounding the *trunk* of a *tree* contained within a radius equal to the *DBH* of the *tree* multiplied by six (6), or one (1) metre beyond the *drip line* of the *tree*, whichever is greater.

“cut” or “cutting”

means to *cut* down a *tree* and shall include to pull up, push or pull over or otherwise fall a *tree*.

“damage”, “damaged”, or “damaging”

means any action which will cause, or is reasonably likely to cause, a *tree* to die or to decline in health, including, but not limited to:

- (a) girdling, ringing, removing bark, denting, gouging, puncturing, using spurs to prune or maintain, poisoning, burning, undermining *structural roots* within the *critical root zone*, excessive pruning, excessive *crown* lifting or raising, *topping*, or any other activity not undertaken in accordance with *sound arboricultural practice*; and
- (b) disturbing the lands within a *Tree Protection Zone* or *critical root zone* through site grading, excavation, the deposition of soil or any other material (e.g., construction

waste, lumber, landscaping products, etc.), and the use of heavy equipment, which could result in soil compaction, impacts to water infiltration, and irreparable harm to root systems.

“deciduous”

means a *tree* that naturally loses most or all of its leaves seasonally, most often in or around autumn.

“diameter at breast height” or “DBH”

- (a) means the diameter of the *trunk* of a *tree* measured 1.4 metres above the highest point of *natural grade* of land measured from the base of the *tree*;
- (b) in the case of a *tree* with two *trunks*, shall be measured 1.4 metres above the *natural grade* of land at the base of the *tree* and the *DBH* shall equal the cumulative total of the two *trunks*; or
- (c) for multi-trunk or multi-stemmed *trees*, each *trunk* or *stem* shall be measured 1.4 metres above the *natural grade* of land at the base of the *tree* and the *DBH* shall equal the cumulative total of the three largest *trunks*.

“Director of Planning and Development Services” or “Director”

means the person appointed by *Council* as the *Director of Planning and Development Services* or the duly authorized designate.

“drip line”

means the line around the *trunk* of a *tree* defined by the outermost extent of *branches* of the *tree* drawn vertically down to the *natural grade*.

“hazardous tree”

means a *tree* assessed against the ISA Basic *Tree Risk Assessment Form* by an *Arborist*, and has an “extreme” risk rating or with an “imminent” likelihood of failure which cannot be mitigated through maintenance.

“hedge”

means four or more *trees* or shrubs 6 metres high or less, planted 1 metre or less apart, that forms a continuous, linear screen of vegetation that provides privacy, fencing, wind breaking, and/or boundary definition.

“live crown ratio”

means the percentage of the height of the *crown* containing live foliage to the overall height of the *tree*.

“lot” or “property”

means an area designated as a separate and distinct entity on a legally recorded subdivision plan or description filed under the *Land Title Act* or *Strata Property Act* in the Land title Office, or surveyed and registered under the Land Act. Distinction is provided for: a “fee-simple *lot*” which applies to *lots* created by subdivision under Part 7 of the *Land Title Act*; a “strata *lot*” which applies to *lots* created by subdivision under Part 14 of the *Strata Property Act*; and, a

“lease *lot*” which applies to a parcel of land created by subdivision under Part 7 of the Land Title Act for the purpose of a lease of more than three (3) years.

“lower value tree”

means a *protected tree* with structural issues from past pruning or *natural causes*, or a severely diseased *protected tree* with limited life expectancy, as determined by the *City*.

“natural causes”

means death or decline of a *tree* as a result of natural diseases, pests, climactic, hydrological and geotechnical conditions, inherent structural defects or senescence.

“natural grade”

means the grade of the *lot* prior to any construction or alteration of the site.

“Official Community Plan”

means the *Official Community Plan* of the *City of White Rock*, No. 2220, as may be amended or replaced from time to time.

“off-site tree”

means a *tree* of any size within four (4) metres of the legal boundaries of the *lot*, including *shared trees*.

“on-site tree”

means a *tree* of any size within the legal boundaries of the *lot*.

“owner”

means the registered *owner* in fee simple of a *lot*.

“Project Arborist”

Means an *Arborist* hired by the *Applicant*.

“protected tree”

means any one or more of the following:

- (a) a *tree* with a *DBH* of 20cm or greater;
- (b) a *replacement tree* of any size planted as a requirement of a *Tree Management Permit*;
- (c) a *tree, hedge, or shrub* of any size on *City-Owned Properties*;
- (d) a *tree* with evidence of nesting or use by raptors as defined in the Wildlife Act, R.S.B.C. 1996, c. 488 or the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl; and
- (e) an *Arbutus (Arbutus menziesii)*, Garry Oak (*Quercus garryana*), or Pacific Dogwood (*Cornus nutalii*) of any size.

“replacement tree”

means a *tree* required to be planted using *sound arboricultural practices* in accordance with the provisions of this Bylaw and being recognized as a *tree* which contributes to the ecological diversity of plant species in the *City*.

“remove” or “removed”

means to *cut* a *tree* and/or to *remove* it from the *lot* where it exists, or the elimination of any *tree* from its present location.

“shared tree”

means a *tree* with any part of its trunk or trunk flare crossing a *property* line, including where the adjacent *property* is a highway, park, or *City*-owned *property*.

“sound arboricultural practice”

means the practices endorsed by the International Society of Arboriculture recommended by the American National Standards Institute (ANSI) in the A300 Standards for the planting, pruning and maintenance management of *trees*.

“structural root”

means large, woody, *tree* roots that anchor and support the trunk and *crown*; roots characterized by secondary thickening and relatively large diameter (greater than 2 cm diameter) giving form to the root system and functioning in anchorage and support.

“stem”

means a dominant leader or *branch* bearing buds, foliage, and giving rise to other *branches* and *stems*.

“Tree Barrier Confirmation Letter”

means a letter prepared by the *Project Arborist*, confirming through inspection, that all required *Tree Protection Barriers* have been constructed and located as required. The letter must include photos of the *Tree Protection Barriers* and a plan showing the approved location of the *Tree Protection Barriers*.

“tree”

means a woody perennial plant with a single or multiple trunk

“Tree Management Permit”

means the written authority granted by the *City* pursuant to Parts 6 and 7 of this Bylaw to regulate the protection and retention of *protected trees*, the removal of *protected trees*, and/or the removal of *structural roots* within the *critical root zone* of *protected trees*.

“Tree Protection Barrier”

means a barrier installed around a *tree* in a location, as outlined in Schedule A to this Bylaw, defined by the *critical root zone* or a larger area as recommended by the *Project Arborist* or the *City*, intended to protect the *tree* from *damage* during site work or construction.

“Tree Protection Zone”

- (a) means the area within a defined *Tree Protection Barrier*; or
- (b) where a *Tree Protection Barrier* has not yet been installed as required by this Bylaw, the *Tree Protection Zone* shall be the area within which a *Tree Protection Barrier* should have been installed in accordance with this Bylaw.

“Tree Protection and Replacement Report”

means a report prepared by the *Project Arborist* upon completion of all works on a site that confirms that all requirements related to *tree* protection outlined in the *Tree Management Permit* and CSDP have been followed. The report must include the following:

- (a) an up-to-date *Tree Replacement Plan*, including photos of all *replacement trees*, and reference to the reason for any deviation from the original *Tree Replacement Plan*;
- (b) photos of the work that was supervised including evidence that the *Project Arborist* was on site during the works (as required). Photos should include a date;
- (c) statement from the *Project Arborist* confirming:
 - i) they were on site during the installation of the *replacement trees*;
 - ii) that the *trees* were planted in accordance with ANSI standards and *sound arboricultural practices*;
 - iii) that all site works were supervised throughout the completion of the works (as required); and
 - iv) the long-term viability of all retained *protected trees*.

“Tree Replacement Plan”

means a plan which draws on the *Tree Protection Plan* and illustrates all *protected trees* to be retained and the location of any proposed *replacement tree(s)*. The Plan should include planting details and a table summarizing the species and size of each *replacement tree*.

“Tree Protection Plan”

means a plan which draws on the *Tree Survey (Inventory)*, illustrating: the proposed development, including any new buildings, structures, additions, service connections, alterations to driveways and other surface features; the extent of any *Tree Protection Zone* for each *protected tree*; *trees* proposed for removal and retention; and the location of all required *Tree Protection Barriers* where applicable.

“Tree Survey (Inventory)”

means a plan illustrating all *on-site* and *off-site trees*, including the *DBH*, *drip line*, and *natural grade* elevation at the base of each *tree*, prepared by a BC Land Surveyor. The Plan must also include existing buildings, structures, service and utility locations, and the extent of any hardened surfaces such as driveways, decking, and stone patios.

“trunk”

The main or primary *stem* or *stems* of a *tree*.

“topped” or “topping”

means the reduction of *tree* size by *cutting branches*, leaders and *stems* to stubs, without regard to long-term *tree* health or structural integrity.

“Zoning Bylaw”

means *City of White Rock Zoning Bylaw*, 2012, No. 2000, as amended

Part 2 – Application and Exemptions

1. This Bylaw applies to *protected trees* within the municipal boundaries of the *City of White Rock*.
2. This Bylaw does not apply to *protected 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.
3. This Bylaw does not apply to *protected trees* on *City-Owned Properties* that are *cut* or *removed* by the *City* or its authorized agents as part of the *City's* operations.
4. Requests by residents for the trimming, pruning or removal of *protected trees* on *City-Owned Properties* require separate approval through the *City's* Department of Engineering and Municipal Operations.

Part 3 – Prohibitions

1. No person shall *cut, remove* or *damage* any *protected 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 fail to comply with the terms and conditions of a *Tree Management Permit* issued pursuant to this Bylaw.
3. In the event that a *protected tree* is in imminent danger of falling due to *natural causes* and it is not possible to obtain a *Tree Management Permit* prior to the *tree* falling, the *Owner* may *cut* the *tree* or have it *cut*, but shall report the *cutting* of the *tree* to the *City* on the next business day. The *Owner* shall not *remove* the *tree* from the *property* until the *City* has visited the *property* and confirmed that the *tree* was in imminent danger of falling due to *natural causes* and injuring people or *property*. If the *City* determines that the *tree* was not in imminent danger, or was in imminent danger due to reasons other than *natural causes*, the *City* may consider the filing of an offense in accordance with Part 11 of this Bylaw.
4. No person shall alter, falsify, omit or otherwise misrepresent any information on or for a permit or application.

Part 4 – Delegation of Council Authority

1. *Council* hereby delegates to the *Director* the authority but not the duty to:
 - (a) administer the provisions of this Bylaw; and
 - (b) approve or deny an application for a Type 1, Type 2, and Type 3 *Tree Management Permit*, if the application complies with the requirements for the applicable permit under Part 6.
2. *Council* hereby delegates to the *Director* the authority to grant exemptions in respect of a provision of this Bylaw, in circumstances where:
 - (a) the presence of utility infrastructure that cannot be relocated, and/or *City* infrastructure, as well as sight-line areas for the safe operation of motor vehicles and safe passage of cyclists and pedestrians, impacts the ability to fully implement the provisions of this Bylaw;
 - (b) the configuration, slope and geotechnical characteristics of the subject *property*, and abutting properties, impacts the ability to fully implement the provisions of this Bylaw; and
 - (c) *replacement trees* having the size specified in this Bylaw are not reasonably available from area suppliers, subject to confirmation of this lack of availability.

Part 5 – Tree Management Permits

1. A person applying for a Demolition Permit or a Building Permit or a person wishing to *cut* or *remove* a *protected tree* or *cut* and *remove* roots within the *critical root zone* of a *protected tree*, must apply to the *Director* for a *Tree Management Permit*. The *Tree Management Permit* must be approved prior to the issuance of the Demolition or Building Permit. A *Tree Management Permit* is not required if it is confirmed through a *Tree Survey (Inventory)* and a site visit by *City* staff that no *protected trees* or *critical root zones* of *protected trees* are present within the boundaries of the *lot*.
2. The design of buildings and other site features (e.g., hardened walkways, driveways, outdoor patios, etc.) ought to demonstrate every effort to preserve *protected trees* where doing so would not take away from established density rights. The *City’s Arboricultural Technician* may refuse to issue a *Tree Management Permit* if it is determined that there are reasonable alternative design options to enable *tree* retention.
3. A notice shall be posted at the *property* line of the *lot* for which a *Tree Management Permit* has been issued, in a location visible to the public and facing the *street*, prior to the commencement of any *cutting* or removal of a *protected tree* or roots and shall remain posted until the completion of all work related to the *cutting* or removal of *protected trees* or a portion thereof on the *lot*. The notice shall include a copy of the *Tree Management Permit*, identify by species and location the *trees* which are to be *cut* or *removed*, and provide a contact number for the permit holder and the *City*.
4. The *City’s Arboricultural Technical* will undertake a minimum of one site inspection upon receipt of a *Tree Management Permit* application.
5. A *Tree Management Permit* is not required for the pruning of a *protected tree* provided that the pruning is conducted in accordance with *sound arboricultural practice*. The pruning and treatment of diseased *trees* shall be practiced where possible and practical as an alternative to the *cutting* or removal of a *protected tree*. Pruning shall, specifically, not include:
 - (a) *crown* raising of lower limbs to the extent that the *live crown ratio* is less than 65%;
 - (b) the removal of more than 25% of the *crown* in one season; and
 - (c) the pruning or removal of a *structural root* within the *critical root zone* of a *protected tree*.

Part 6 – Types of Tree Management Permit Applications, Submission and Approval Requirements

1. The *owner* of a *lot* where a *protected tree* is located shall apply for one of the following types of *Tree Management Permits* to *remove* a *protected tree* or *prune* or *remove structural roots* within the *critical root zone* of a *protected tree*, and shall provide the documentation outlined below.

Type 1:

Tree Management Permit to:

- a) *Remove* a Dead, Dying (i.e., beyond a reasonable expectation of recovery due to *natural causes*), or High Risk *Protected tree*; and
- b) Re-top a *protected tree* where the *owner* has shown to the *Arboricultural Technician’s* satisfaction that re-topping for canopy restoration is required to mitigate risk and preserve the *tree*;

Submission Requirements (subject to confirmation by *Arboricultural Technician*):

- a) Complete application form
- b) Title Search

- c) *Arborist Report* including a completed ISA *Tree Risk Assessment Form* confirming the *tree* is high risk with an extreme risk rating (not required if documentation/photos provided confirming that the *tree* is an imminent hazard to the public, as indicated in Part 3 of this Bylaw)
- d) Letter from *property owner* with rationale for removal of *protected tree*
- e) If applicable, letter from adjacent *property owner* agreeing to proposed removal (for *shared trees*)

Tree Management Permit Issuance Requirements

- a) No *replacement tree* requirements

Type 2:

Tree Management Permit to remove an Unwanted *Protected tree* subject to satisfying one or more of the following criteria:

- a) the *tree's* roots are destroying *property* and cannot be resolved with *sound arboricultural practices*: or:
- b) the *tree* is completely obstructing views and views cannot be resolved with *sound arboricultural practices*.

Submission Requirements (subject to confirmation by *Arboricultural Technician*):

- a) Complete application form
- b) Application fee
- c) Title Search
- d) *Arborist Report*
- e) Structural Engineer report and/or Plumber report
- f) Letter from *property owner* with rationale for *tree* removal and commitment to plant and maintain *replacement trees*.
- g) Photos and plan showing the *tree(s)* proposed for removal and *tree* replacement.
- h) If applicable, letter from adjacent *property owner* agreeing to proposed removal (for *shared trees*)

Tree Management Permit Issuance Requirements

- a) *Tree* replacement securities and/or combination cash-in-lieu
- b) *Tree Replacement Plan*

Type 3:

Tree Management Permit for a *property* under application for a Demolition Permit or a Building Permit:

Submission Requirements (subject to confirmation by *Arboricultural Technician*):

- a) Complete application form
- b) Application fee
- c) Title Search
- d) *Arborist Report* (colour copies only)
- e) Legal Survey (sealed or stamped, copies not accepted)

Tree Management Permit Issuance Requirements (subject to confirmation by *Arboricultural Technician*)

- a) *Tree* protection and replacement securities and/or combination cash-in-lieu
- b) *Coordinated Site Development Plan (CSDP)*
- c) *Tree Barrier Confirmation Letter*
- d) Letter from adjacent *property owner(s)* agreeing to proposed removals and acknowledging work around *trees* that are to be retained (for *shared trees*)
- e) *Tree Replacement Plan*

2. The *City* may require the submission of a new or updated *Arborist Report* at any time in the *Tree Management Permit* approvals process if a period of more than six months elapses between the receipt of the Report and the issuance of a *Tree Management Permit*.
3. *Coordinated Site Development Plans* (CSDP) must be submitted to the *City of White Rock* for approval, clearly identifying all site works proposed within or immediately adjacent to the *critical root zones* of all *protected trees*, and clearly stating when the *Project Arborist* is required to be on-site to supervise work. Site works to address include but are not limited to building location, excavation, site grading, site servicing, driveway location, sidewalks, retaining walls, and *tree* removals. Specific construction techniques must be outlined that will minimize potential impacts to *protected trees*, where appropriate.
4. The *City* may revoke a *Tree Management 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 *City* to have been inaccurate, incomplete or erroneous.

Part 7 – Permit Fees and Securities

1. There are no fees for a Type 1 *Tree Management Permit*. Fees for a Type 2 and Type 3 *Tree Management Permit* are outlined in the *City of White Rock Fees and Charges Bylaw 2020, No. 2369*, as amended. The *City of White Rock Planning Procedures Bylaw, 2017, No. 2234* sets out the general procedures for managing *Tree Management Permit* applications.
2. Any request to amend the terms of a *Tree Management Permit* or to address a matter which relates to compliance with the conditions of a Permit, may require the payment of a new application fee.
3. Any request to transfer a *Tree Management Permit*, which has been issued, to a new *Owner* will require the payment of new application fee in addition to the posting of replacement securities deposits and/or cash-in-lieu payments as applicable.
4. A security deposit shall be provided to the *City* in the form of cash, an irrevocable letter of credit in an amount determined in accordance with the provisions of this Bylaw for:
 - a) The retention of *protected trees*; and
 - b) The provision and maintenance of *replacement trees* that will be planted after site development and construction is complete.
5. Any irrevocable letter of credit required under this Bylaw shall be a clean, unconditional and irrevocable letter of credit drawn from a Canadian financial institution acceptable to the *City*. If, for any reason, the irrevocable letter of credit ceases to be an effective security or become unenforceable so as to *remove* or reduce its purpose as full security for the due and proper performance of the requirements of this Bylaw, the *owner* shall replace it with a further letter of credit acceptable to the *City* within 21 days prior to the expiry of the letter of credit held by the *City*. If the *owner* fails to do so, the *City* will draw down on the current letter of credit without notice or restriction and hold the monies in lieu thereof as security.
6. If at any time an *owner* fails to comply with the provisions of this Bylaw relating to requirements for retention of existing *trees* or *replacement trees* and their maintenance, the *City* may confiscate all or a portion of the security deposit provided. Further, securities for *tree* protection may be retained by the *City* if the *Applicant* *damages* or *removes* a *protected tree* contrary to the terms and conditions of their *Tree Management Permit*, or if the *Applicant* fails to provide required information from the *Project Arborist* confirming that all terms and conditions of the *Tree Management Permit* have been met. It will be a condition of release of any security provided in accordance with this Bylaw that the

City will be satisfied that the *Applicant* has complied with the *tree* protection requirements of this Bylaw and the *Tree Management Permit*.

7. The extent to which securities are confiscated will be dependent on the circumstances of non-compliance observed and the likelihood of retained and/or *replacement trees* surviving any potential impacts, as determined by the *City's Arboricultural Technician*.
8. *Replacement trees* shall be required as follows:
 - a) Less than 50 cm *DBH protected tree removed* – Two (2) *replacement trees*
 - b) 51 cm to 65 cm *DBH protected tree removed* – Three (3) *replacement trees*
 - c) 66 cm to 75 cm *DBH protected tree* – Four (4) *replacement trees*
 - d) 76 cm to 85 cm *DBH protected tree* – Five (5) *replacement trees*
 - e) Greater than 85 cm *DBH protected tree* – Six (6) *replacement trees*

Notwithstanding the foregoing, two (2) *replacement trees* shall be required for the removal of a *lower value tree* regardless of their size (*DBH*).

9. The security required for the provision and maintenance of *replacement trees* shall be \$1,500 per *replacement tree*.
10. Where Type 3 Permits require a *City-owned tree* to be *removed* in order to accommodate construction, the *City* will collect \$1,500 per *replacement tree* with a cash-in-lieu payment.
11. If *replacement trees* are not planted within one year of the issuance of a Type 2 *Tree Management Permit*, or within three years of the issuance of a Type 3 *Tree Management Permit*, the *Applicant* will forfeit the *tree* protection securities to the *City*.
12. For *protected trees* that are to be retained, securities deposits will be required prior to the issuance of a *Tree Management Permit* in the following amounts:
 - a) \$3,000 per retained *protected tree* with a *DBH* of less than 50cm;
 - b) \$4,500 per retained *protected tree* with a trunk *DBH* of 51-65cm; or,
 - c) \$10,000 per retained *protected tree* with a trunk *DBH* greater than 65 cm.

Notwithstanding the foregoing, the amount of security required for a *lower value tree* of any size (*DBH*) shall be \$2,500 per *tree*.

13. Security deposits received by the *City* for the purposes of *tree* replacement and *tree* retention will be held for a period of one year following the receipt of an approved *Tree Protection and Replacement Report*.
14. Cash-in-lieu of *replacement trees* and / or forfeited security deposits tied to a *Tree Management Permit* may be used by the *City* to:
 - a) plant and maintain *trees* on *City-Owned Properties*;
 - b) support a local *tree* subsidy program; and
 - c) support educational programs and the production of related materials that contribute to the enhancement of the *City's tree* canopy.

Part 8 – Replacement trees

1. A minimum of one (1) *replacement tree* shall be planted for each *tree removed* on a *lot* that is the subject of a *Tree Management Permit* application.
2. *Replacement tree* species are to be proposed by the *Project Arborist* subject to *City* approval. The *City* encourages *replacement trees* that are of a species that will thrive in the proposed location's growing conditions and that are native species and/or comparable to type of *tree(s)* that was *removed*.
3. *Replacement trees* must meet the plant condition and structure requirements as set out in the latest edition of the "Canadian Standards for Nursery Stock" as referenced by the British Columbia Landscape and Nursery Association (BCLNA).
4. *Hedges*, palms, dwarf, topiary and shrub species will not be considered as *replacement trees*.
5. *Deciduous replacement trees* must have a minimum *caliper* of 6 centimeters and *coniferous replacement trees* must be at least 3 metres in height.
6. *Replacement trees* must satisfy the following minimum siting requirements and shall be:
 - a. 3 metres from any retained *protected tree* or *replacement tree*;
 - b. 3 metres from any BC Hydro line, service line, building foundation, pool and ancillary building; and
 - c. 1 metre from any *property* line, driveway, underground utility / service, and retaining wall
7. *Replacement trees* must be planted and maintained in accordance with *sound arboricultural practices*. *Replacement trees* will not be accepted that have been planted in gravel, sand or artificial turf.
8. Only the *City* and its designated personnel may plant *trees* on *City* lands.
9. Where conditions on a *lot* make it impractical to plant *replacement trees*, an *Applicant* may make a proposal for a cash-in-lieu payment equivalent to all or a portion of the total amount securities required for *replacement trees*. In evaluating proposals for cash-in-lieu payments, the *Project Arborist* must demonstrate there are no reasonable alternatives to replacing *trees* within the *Lot* subject to the permit application. The *Arboricultural Technician* shall be responsible for the determination of whether cash-in-lieu payments are an acceptable alternative to *tree* replacement.

Part 9 – Tree Protection

1. *Tree Protection Barriers* must be installed in accordance with Schedule A prior to the commencement of any work on the *lot* which requires a *Tree Management Permit*, with the locations as recommended by the *Project Arborist* and approved by the *City* based on the *critical root zones* of *protected trees*.
2. Signage provided by the *City* shall be placed around the *Tree Protection Barrier*.
3. All *protected trees* to be retained shall have a designated *Tree Protection Zone*, based on the *critical root zone*, protected with *Tree Protection Barriers* during demolition and building. The size of the *Tree Protection Zone* will only be reduced where the full *critical root zone* cannot be protected and the reduced *Tree Protection Zone* will still allow the *tree* to be retained. The final location of the *Tree Protection Barriers* must be proposed by the *Project Arborist* and approved by the *City* in the *Tree Management Permit*.

4. No demolition permit, building permit or *Tree Management Permit* shall be issued for work on the *lot* where the *protected tree* is located until a *Tree Protection Barrier* has been installed and confirmed by an approved *Tree Barrier Confirmation Letter* from the *Project Arborist*.
5. *Tree Protection Barriers* must remain in place throughout demolition, building, and landscaping, unless otherwise approved in the *Tree Management Permit* and CSDP. *Tree Protection Barriers* are only *removed* and relocated under the supervision of the *Project Arborist*.
6. The *Project Arborist* is to submit reports to the *City* upon completion of the demolition and building stages, confirming when they were on site and the conditions of the *Tree Management Permit* and CSDP were followed. Reports from the *Project Arborist* may be required more frequently, as outlined in the *Tree Management Permit*, depending on the nature of the work.
7. Site disturbance within a *Tree Protection Zone* is prohibited unless specifically permitted in the *Tree Management Permit* and CSDP, and unless such disturbance is supervised by the *Project Arborist*. Prohibited site disturbance includes but is not limited to: site grading, excavation, deposition or storage of soil or any other landscaping material, disposal of any toxic material, access by any vehicle or heavy equipment, use of the area as an amenity space during construction, or use of *tree* trunks as a winch support, anchorage, or temporary power.
6. The care and maintenance of *protected trees* to be retained through demolition, building and landscaping is the responsibility of the *property owner* and permit holder.

Part 10 - Inspection and Assessment

1. The *City* is authorized to enter, at all reasonable times and after notification to the *owner*, any *lot* that is subject to the Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw or any *Tree Management Permit* are being met or to assess or inspect any *tree* or *tree* remains on the *lot*.
2. Where a *protected tree* has been *cut* or *damaged* on a *lot* in violation of this Bylaw, without a *Tree Management Permit*, or in excess of any permission or in violation of any terms and conditions of a *Tree Management Permit*, the trunks, limbs, roots and remains of the *cut* or *damaged tree* shall not be *removed* from the *lot* until an investigation and assessment by the *City* is completed and the removal is expressly authorized by the *City*.
3. Upon completion of all works and once all *replacement trees* required under a *Tree Management Permit* have been planted, the *owner* shall submit a *Tree Protection and Replacement Report* from the *Project Arborist*.

Part 11 – Offences

1. Offences against this Bylaw are subject to fines in accordance with the Ticketing for Bylaw Offences Bylaw. Offences include but are not limited to:
 - (a) *cuts, removes or damages a protected tree* contrary to this Bylaw or contrary to the terms and conditions of a *Tree Management Permit*;
 - (b) violates any of the provisions of this Bylaw or a *Tree Management Permit*;
 - (c) suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw or a *Tree Management Permit*; or
 - (d) alters, falsify, misrepresent or omits to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or a *Tree Management Permit*.

2. For the purposes of this Bylaw, each *tree cut, removed or damaged* in violation of this Bylaw and each day that a violation of this Bylaw is caused or permitted to continue shall constitute a separate offence.
3. Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than Ten Thousand (\$10,000.00) Dollars or to imprisonment for not more than six months.

Part 12 – Penalties

1. In the event that a person who commits an offense against this Bylaw fails to pay the fine before the 31st day of December in the year following the year that the fine was effected by the *City*, the costs shall be added to and form part of the taxes payable on the *lot* as taxes in arrears.
2. Prosecution of a person pursuant to Part 11 of this Bylaw does not exempt the person from the provisions of Part 12 of this Bylaw.
3. In addition to any prosecution pursuant to Part 11 of this Bylaw, where an *owner cuts, removes or damages*, or suffers or permits any *tree* to be *cut, removed or damaged*, in contravention of this Bylaw, or in excess of any permissions, of in violation of any terms and conditions of a *tree cutting* permit issued pursuant to this Bylaw, the *owner* shall pay the penalties imposed under this Part 12 and:
 - (a) shall plant on the same parcel of land the number, size and species of *replacement trees* required by this Bylaw, as determined by the *Director* in accordance with this Bylaw: and, in addition,
 - (b) where the *tree cut, removed or damaged* is identified in a *tree* preservation plan approved by the *City* as a *tree* to be retained or protected, then the *Director* may require the *owner* to plant the *replacement trees* at the exact location as the *tree* that had been *cut, removed or damaged* and may require that any building or structure shall not be located within the *critical root zone* of the *replacement trees* expected at full growth.

Part 13 – Schedules

1. Schedule “A” forms part of this Bylaw.

Part 14 – General Provisions

1. “*White Rock Tree Protection Bylaw, 2021, No. 2407*”, consolidated with amendments is hereby repealed.
2. This Bylaw shall come into force on the date of final adoption hereof.

RECEIVED FIRST READING on the _____ day of _____, 2021
RECEIVED SECOND READING on the _____ day of _____, 2021
RECEIVED THIRD READING on the _____ day of _____, 2021
RECONSIDERED AND FINALLY ADOPTED on the _____ day of _____, 2021

MAYOR

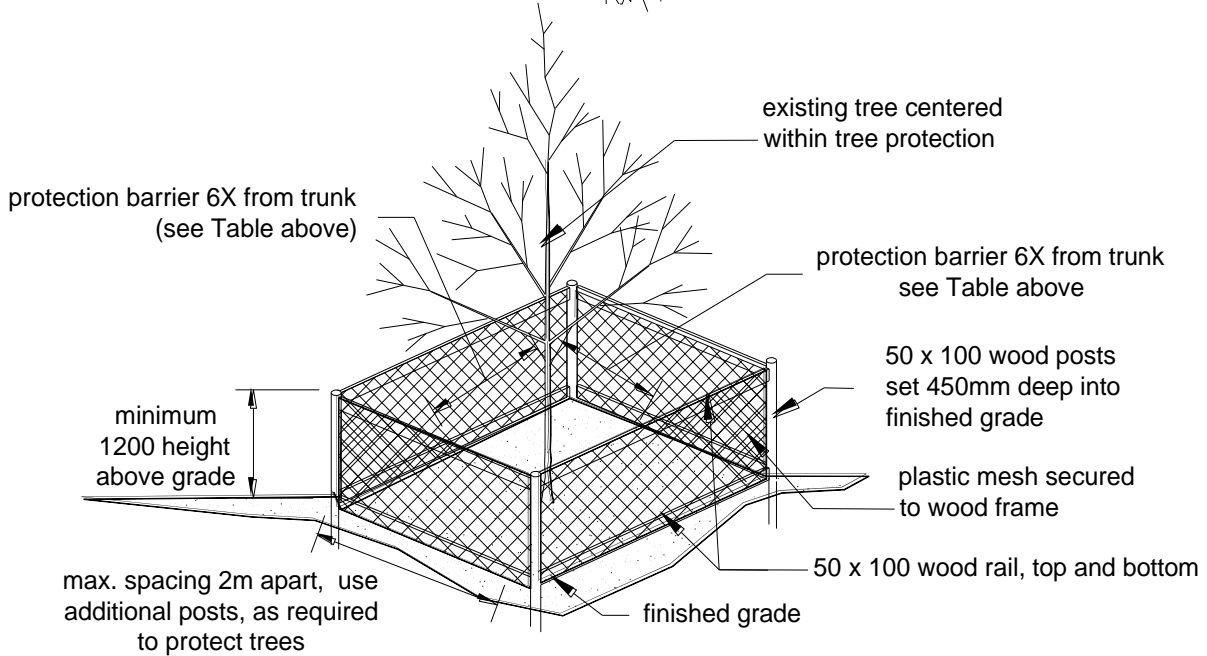
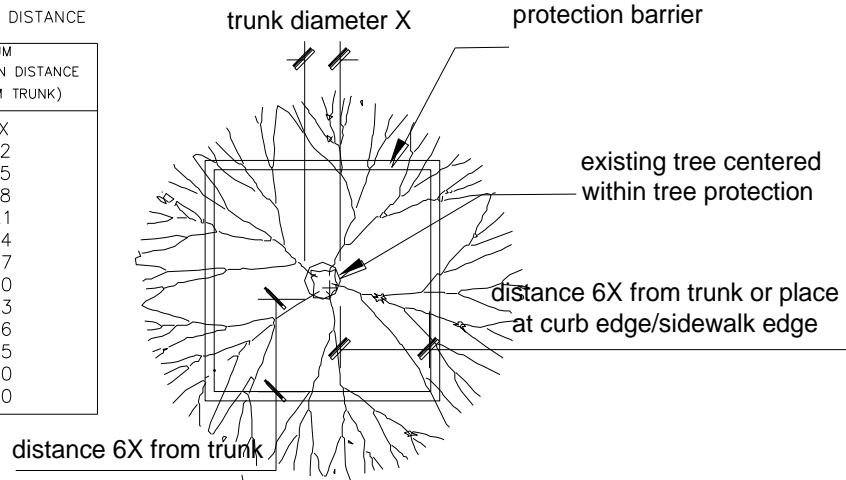
CITY CLERK

SCHEDULE "A"

Specifications for *Tree Protection Barriers*

TABLE: PROTECTION BARRIER DISTANCE

TRUNK DIAMETER (CM)	MINIMUM PROTECTION DISTANCE (M FROM TRUNK)
X	6X
20	1.2
25	1.5
30	1.8
35	2.1
40	2.4
45	2.7
50	3.0
55	3.3
60	3.6
75	4.5
90	5.0
100	6.0



NOTES

Install tree protection barrier before construction begins and keep in place until landscape installation is complete.

Storage of building materials & litter within or against protection barrier is prohibited. Developer/Owner responsible for maintenance within Tree Protection Barrier.

Damaged trees will be replaced at Developer/Owner's cost.

Maintain existing grades at protection barrier for all protected retained and existing trees.

Regrading outside of protection barrier should not adversely compromise protected retained and existing trees.