

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 1831**



A Bylaw to regulate and prohibit the cutting, removal and damage of trees, the setting of fees and issuance of permits for the same and the requirement for replacement trees and of security for their provision and maintenance.

White Rock Tree Management Bylaw

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 contributing to a clean air environment as well as providing habitat for birds and wildlife;

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;

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 Management Bylaw, 2008 No. 1831.”

Purpose

1. This By-law is intended to:
 - (a) Prohibit the removal of protected trees in the City of White Rock without a permit on all lands in the designated areas as shown on Schedule “B”;
 - (b) Prohibit the damaging of protected trees;
 - (c) Regulate and establish requirements for the removal, preservation, protection and replacement of protected trees through a permit process; and,
 - (d) 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

1. In this Bylaw,

“arborist” or “Project Arborist”

means a person who is:

- (a) a Certified Arborist by the International Society of Arboriculture, or a PNW ISA, WCB Certified Tree Risk Assessor; or,
- (b) A Registered member of the Association of BC Forest Professionals, preferably with a specialization in urban forestry.

"caliper"

means the trunk size of a deciduous replacement tree. Deciduous replacement trees with trunk diameter measurements less than 10 cm are measured at 15 cm above base. Deciduous replacement trees with trunk diameter measurements equal to or greater than 10 cm are measured at 30 cm above base.

“City”

means the Corporation of the City of White Rock.

“City Arborist”

means a person retained and / or designated by the City as the City’s arborist.

“City-Owned Properties”

means all properties owned by the City of White Rock as generally shown on Schedule “B”, plus all road rights-of-way and dedications under jurisdiction of the City of White Rock.

“coordinated site development plan (CSDP)”

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

The CSDP may be in the form of plans, text and graphics. The purpose of the CSDP is to clearly indicate all site works proposed within the critical root zone of all on-site and off-site protected trees, the proposed methods for tree protection during the site development and construction processes, post-construction tree maintenance, and recommendations for tree replacement and protected tree securities. The CSDP is to include the results of the tree survey, tree assessment report, tree protection plan, information from civil engineering and geotechnical reports, and landscape design and architectural conceptual designs.

The CSDP must clearly indicate the location, size, species, health and general characteristics of protected trees proposed for preservation and removal, the site grading before and after development, approximate

finished floor elevations, conceptual building footprints and projections/overhangs of proposed structures, the alignment, depth and method of installation of site services (sewer, water, storm, electrical, hydro/telephone/cable) and location of service kiosks, sumps, poles and utility rooms, driveways, sidewalks and retaining systems, and temporary and permanent on-site storm water drainage, detention and siltation control systems.

The CSDP must include a statement from the owner (or authorized agent) and project team that every effort has been made to preserve all protected trees on the site and adjacent properties, that any proposal for the removal of protected trees is solely the result of geotechnical, civil or building design restrictions, construction methods, zoning provisions and restrictions, or other City or utility company requirements, and that all approved pruning, root cutting, tree removal, and excavation within the critical root zone of a protected tree will be conducted under the direction of the project arborist.

The CSDP must include a letter of commitment from the Project Arborist that they shall monitor construction activities in the vicinity of protected trees during critical phases of development. As well, the Project Arborist shall inspect site conditions, the preservation trees and the barrier fences on a regular basis. The project arborist shall submit a progress report to the City at least once every month during the course of site development and construction confirming that they have visited the project site to ensure the maintenance of tree protection barriers.

The CSDP must also include a statement that the CSDP is an accurate and complete representation of existing, site development and construction phase, and post development project and site conditions as they relate to protected tree preservation, protection, replacement and maintenance.

“Council”

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

“critical root zone”

means the area of land surrounding the trunk of a tree contained within a circle of radius equal to the DBH of the tree multiplied by 6, or one meter beyond the drip line of the tree, whichever is the greater distance.

“cut”

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

“damage”

means any action which will cause a tree to die or to decline, including, but not limited to: girdling, ringing, removing bark from a tree, dent, gouge, puncture or damage a tree trunk, poisoning, burning, undermining structural roots within the critical root zone, excessive pruning, excessive

crown lifting, topping, or pruning in a manner not in accordance with the most recent edition of the “American National Standards Institute Publication A300” and the most recent edition of the companion publication “Best Management Practices – Tree Pruning”, published by the International Society of Arboriculture.

“diameter at breast height” (DBH)

means the diameter of the trunk of a tree at 1.4 metres above the base of a tree. For multi-trunk trees, each trunk shall be measured 1.4 metres above the highest point of the natural grade of the ground measured from grade and the DBH of the tree shall equal the cumulative total of the three largest trunks.

“Director of Planning and Development Services”

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

“drip line”

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

“Ecosystem Enhancement Areas”

means those properties identified on Schedule “B” where the City has targeted areas of natural drainage and or sloped areas with a need to preserve or enhance the tree canopy to protect soils, minimize erosion and reduce greenhouse gases in conjunction with the Integrated Storm Water Protection and the Climate Action Plans.

“engineer”

means a person registered as a Professional Engineer (P. Eng.) to practice as such pursuant to the provisions of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, as amended.

“hazardous tree”

means a tree identified in writing by a Certified Tree Risk Assessor as having significant structural defects and an extreme hazard risk which could lead to part or all of the tree falling and causing personal injury or significant property damage.

“heritage tree”

means a tree that is of cultural or historical value to the City and that has been designated as a heritage tree.

“live crown ratio”

means the height of the part of a tree with live branches divided by the total height of the tree.

“lot”

means land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the records of the

New Westminster Land Titles Office.

“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 ageing.

“Official Community Plan”

means the Official Community Plan of the City of White Rock, No. 1837, as may be amended or replaced from time to time.

“off-site tree”

means a tree of any size planted either on the property line or on neighbouring properties.

“on-site tree”

means a protected tree located within the boundary of the property.

“owner”

means the registered owner in fee simple of a lot upon which a tree is located; or their authorized agent.

“protected tree”

means:

- (a) a woody plant with roots and branches that has a trunk DBH greater than 30 centimeters, or has a combined DBH of its three largest trunks greater than 30 centimeters;
- (b) a replacement tree or a tree planted or retained as a requirement of a tree management permit;
- (c) a heritage tree
- (d) a specimen tree
- (e) a tree with evidence of nesting or use by:
 - (i) raptors as defined in the *Wildlife Act*, R.S.B.C. 1996, c. 488, or
 - (ii) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
- (f) the following tree species of any size:
 - (i) *Arbutus* (*Arbutus menziesii*),
 - (ii) Garry Oak (*Quercus garryana*),
 - (iii) Pacific Dogwood (*Cornus nutalii*).

“Ravine Lands”

means the lands identified on Schedule “B”.

“replacement tree”

means a tree required in accordance with this Bylaw, to replace a tree cut, removed or damaged.

“replacement tree report”

means a document prepared by an arborist or a landscape architect indicating the subject lot address, location, size and species of replacement trees that have been planted on the lot.

The document must include a scaled drawing illustrating the location, size and species of each replacement tree in relation to the property lines and footprints of all structures and driveways on the lot.

The report must include a statement confirming that the replacement trees have been planted according to the provisions and requirements of this By-law. The document must be signed and dated by the arborist.

“remove”

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.

“Significant Stand of Trees”

means the lands identified on Schedule “B”.

“specimen tree”

means a large and mature deciduous or coniferous tree with a trunk DBH greater than 50 cm or that has a combined DBH of its 3 largest trunks greater than 50 cm and a life expectancy of more than 10 years, or a native flowering or ornamental tree with a trunk DBH greater than 30 cm or that has a combined DBH of its 3 largest trunks greater than 30 cm and a life expectancy of more than 10 years.

“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.

“tree assessment report”

means a report prepared by an arborist, that documents the size, location, species, extent of canopy/critical root zone, health, and at least one photograph of each protected tree on a lot or adjacent thereto, that is proposed for removal or retention. The nature and urgency of removal of a hazardous protected tree, examines all treatments available for diseased protected trees proposed for removal, confirms that a dead protected tree proposed for removal is dead, and indicates whether a protected tree proposed for removal is a specimen or heritage tree, or a replacement tree from previous tree replacement. If a protected tree proposed for removal is a member of a stand of trees, the report must comment on the impact of tree removal on the health of the remaining trees in the stand.

The report must include a plan indicating the relationship of protected trees proposed for removal or preservation, and proposed replacement trees, to current and proposed building footprints and property lines.

The report must include recommendations for the preservation, removal and planting of trees on a lot and off-site, including replacement tree size and species, the protection of retained trees during site development and building construction/demolition, protected tree maintenance security, security for replacement tree planting during site development and building construction/demolition, or a proposal for cash-in-lieu of replacement tree planting.

A report remains valid for six months from the date it is signed and dated by the arborist, and must be reviewed and re-signed by the arborist prior to the end of each six month period for it to remain valid, and must immediately be resubmitted to the City.

“tree management permit”

means the written authority granted by the City pursuant to Parts 6 and 7 of this By-law for the cutting or removal of a protected tree, or the pruning or removal of a structural root within the critical root zone of a protected tree.

“tree protection barrier”

means a barrier constructed around a tree in accordance with the most current requirements of the City to protect the tree from damage during site work or construction. The tree protection barrier shall be constructed in accordance to Schedule A, or one meter outside the drip line of the tree.

“tree protection zone”

means the area within a tree protection barrier.

“tree protection plan”

means a document prepared by an arborist with recommendations for the protection and maintenance for all on-site and off-site protected trees on a lot and adjacent thereto, during and after the land development and construction of a project on that lot.

“tree replacement plan”

means a plan prepared by the project arborist that illustrates the location, size and species of all trees that have been planted as replacement trees on a lot or property adjacent thereto.

“tree survey”

means a survey plan prepared by a BC Land Surveyor that illustrates the tree number and location, size and species of all protected on-site trees and off-site trees within 4 meters of the property line on adjacent lots or rights-of-ways in relation to the property lines of a lot. The tree survey shall also show the drip line of each tree, the existing base elevation of each tree, the legal description of the property and any statutory rights-of-way or easements, the location and type of all known utilities entering or immediately adjacent to the site and any proposed or existing service or utility kiosks, the existing and proposed building footprints as well as proposed excavation zones, walkways, patios, driveways and site access.

All protected trees on the lot associated with the development are to be numerically identified with a survey tag attached to the trunk and the tree number that corresponds with the survey plan.

"topping"

means an inappropriate pruning technique to remove the top portion of a tree's main leader(s), resulting in an overall reduction in the tree's height, size and potential health or life expectancy.

"Zoning Bylaw"

means White Rock Zoning Bylaw No. 1591, as may be amended or replaced from time to time.

Part 2 – Application and Exemptions

1. This Bylaw applies to protected trees on all lands within the designated areas in the City of White Rock as shown on Schedule "B" attached herein.
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 or occupied property or rights of way that are cut or removed by the City or its authorized agents as part of the City's operations. Requests by residents for the trimming, pruning or removal of protected trees on City-owned or occupied property or rights of way require separated 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. An arborist that submits any report to the City as a requirement of this Bylaw, cannot also cut, remove or damage any tree that the arborist included in the report.
4. 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 cutting 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 within 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 eminent danger, or was in

eminent 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.

Part 4 – Delegation of Council Authority and Appeal to Council

1. Council hereby delegates to the Director of Planning and Development Services the authority to administer this By-law and to approve or deny Type 1 tree management permit applications, as prescribed in Part 6 of this By-law, provided that all applicants may speak to and provide documentation to Council for a final Council decision on their application.
2. Council hereby delegates to the Director of Planning and Development Services the authority to administer this By-law and to approve or deny Type 2 tree management permit applications, as prescribed in Part 6 of this By-law, provided that all applications are reviewed and assessed in accordance with the criteria established by Council policy, and that all applicants may speak to and provide documentation to Council for a final Council decision on their application.
3. Type 3 tree management permit applications, as prescribed in Part 6 of this By-law, will be approved or denied by Council in conjunction with the associated permit or subdivision application.

Part 5 – Tree Management Permits

1. A person wishing to cut or remove a protected tree or cut and remove roots within the critical root zone of a protected tree, shall apply to the Director of Planning and Development Services for a tree management permit to cut or remove the tree or roots.
2. 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 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.
3. A tree management permit is not required for the pruning of a protected tree provided that the pruning is conducted in accordance with the standards and recommendations of the International Society of Arboriculture. Pruning shall not include:
 - (a) the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%,
 - (b) the removal of more than 25% of the crown in one season,
 - (c) topping
 - (d) the pruning or removal of a structural root within the critical root zone of a protected tree

4. 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. A tree management permit will be required for the re-topping of protected trees when a safety hazard is identified and confirmed in a report by an arborist.
5. The fee for a tree management permit shall be determined as set out in Part 7 and shall be paid upon application for the permit.

Part 6 – Types of Tree Management Permit Applications, Application 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 described as Application Submission Requirements at the time of application.
2. Type 1 - Tree Management Permit To Remove A Dead, Or Hazardous Protected Tree, Or Remove A Structural Root within the critical root zone of a protected tree
 - (a) Application Submission Requirements
 - (i) Complete application form
 - (ii) Application fee
 - (iii) Tree Assessment Report (not required if documentation/photos provided confirming that the tree is an imminent hazard to the public, as indicated in Part 3 of this By-law)
 - (iv) Letter from property owner with rationale for removal of protected tree
 - (v) If applicable, letter from adjacent property owner for removal of structural roots within the critical root zone of a protected tree on adjacent property
 - (b) Tree Management Permit Issuance Requirements
 - (i) No replacement tree requirements
3. Type 2 - Tree Management Permit to Remove an Unwanted Protected Tree
 - (a) Application Submission Requirements
 - (i) Complete application form Application fee
 - (ii) Tree Assessment Report
 - (iii) Letter from property owner with rationale for tree removal and commitment to plant and maintain replacement trees.
 - (iv) Photos/graphics for an application to remove tree obstructing view corridor.
 - (b) Tree Management Permit Issuance Requirements
 - (i) Replacement Tree Report and, where applicable, receipt by the City of proposed cash-in-lieu of planting of replacement trees

4. **Type 3 - Tree Management Permit to Remove a Protected Tree on a Property Under Application for a Building Permit, Development Permit, Demolition Permit Or Subdivision**
 - (a) Application Submission Requirements
 - (i) Complete application form
 - (ii) Application fee
 - (iii) Tree Assessment Report
 - (iv) Tree Survey
 - (v) Coordinated Site Development Plan (CSDP)
 - (b) Tree Management Permit Issuance Requirements
 - (i) Replacement Tree Report and, where applicable, receipt by the City of proposed cash-in-lieu of the planting of replacement trees
 - (ii) Securities for:
 - a. maintenance of retained protected trees;
 - b. replacement trees;
 - (c) Registration of a restrictive covenant on Title of the property or properties for the preservation and maintenance of protected trees
5. 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, Securities and Proposals for Cash-in-Lieu of Replacement Tree Planting

Permit Fees

1. The application fee for a tree management permit shall be:
 - (a) Permit Type 1 - Removal of dead, diseased or hazardous tree - No fee
 - (b) Permit Type 2 - Removal of unwanted tree - Fee = \$150
 - (c) Permit Type 3 - Removal of a protected tree from a property under application for a Building Permit, Development Permit, Demolition Permit and/or Subdivision - Fee = \$150
3. Any amendment requested or required for a tree management permit that has been issued will require payment of a new application fee.

Securities and Proposals for Cash-in-lieu of Replacement Tree Planting

3. A security deposit payable by the owner of the subject lot will be required for:
 - (a) The provision and maintenance of replacement trees that will be planted after site development and construction is completed;
 - (b) The maintenance of preserved protected trees;
 - (c) The provision and maintenance of replacement trees and the maintenance of protected trees as part of a penalty for cutting, removing or damaging protected trees without a tree management permit, or cutting, removing or damaging protected trees in excess of the number allowed by the tree management permit.

4. The owner shall provide to the City the security deposit in cash or irrevocable letter of credit in a form satisfactory to the City in an amount determined under this by-law and for the period and terms specified in this By-law.
5. Notwithstanding the provisions of Part 7, Item 3 above, security for the maintenance of replacement trees will not be required for applications to remove unwanted trees, as set forth in Part 6 Item 3 of this By-law, unless required by Council as a condition of application approval.
6. Any irrevocable letter of credit required to be provided 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 may cease to be 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 By-law, 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 then 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.
7. If at any time an owner fails to comply with the provisions of this By-law relating to requirements for retention of existing trees or replacement trees and their maintenance, the City may by its employees or others under its direction enter upon the lands that are the subject of the requirements, at all reasonable times and after notification to the owner, to plant replacement trees or maintain protected trees and for such purposes may draw upon the security provided and expend the funds to cover all costs and expenses of doing so.
8. Where conditions on a lot will make it impractical to plant replacement trees an applicant may make a proposal for cash-in-lieu of the planting of replacement trees. The City will use the cash-in-lieu funds to plant trees elsewhere in the City on City-owned property.
9. The amount of the security for the provision and maintenance of replacement trees or proposed cash-in-lieu of planting replacement trees shall be:
 - (a) \$1000 per replacement tree where the replacement tree required is a 6 cm caliper deciduous tree or a 3 meter tall conifer,
 - (b) \$3,000 per replacement tree where the replacement tree required is a 10 cm caliper deciduous tree or a 4 meter tall conifer,
10. The amount of security for the protection and maintenance of protected trees proposed to be retained shall be:
 - (a) \$2,500 per retained tree where the tree is a deciduous or coniferous tree with a trunk DBH less than or equal to 50 cm, or a native flowering or ornamental tree with a trunk DBH less than or equal to 30 cm;
 - (b) \$4,500 per retained specimen tree where the specimen tree is a deciduous or coniferous tree with a trunk DBH greater than 50 cm, or a native flowering or ornamental tree with a trunk DBH greater than 30 cm; or,

- (c) \$10,000 per retained heritage tree, or specimen tree where the trunk DBH of the tree is greater than 65 cm.
- 11. The total amount of security deposited under Part 7, Items 9 and 10 above will be held by the City for a period of one year after submission of a tree replacement report or final building approval, to ensure that the protected trees are properly protected and maintained in accordance with this By-law and the tree management permit.
- 12. It will be a condition of release of any security provided by this By-law that the City will be satisfied that the owner has complied with the tree replacement and maintenance requirements of this By-law and the tree management permit.
- 13. The remaining security will be released to the owner upon receipt by the City of a letter from the owner's arborist confirming that the protected trees have been properly protected and maintained in accordance with this By-law and the tree management permit during the one year security period.

Part 8 – Replacement Trees

- 1. The number and size of the replacement trees is dependant upon the size of the protected tree removed. Replacement trees shall be replaced according to the following:
 - (a) 30 – 50 cm DBH tree removed – Two 6 cm caliper deciduous trees or two 3 meter high coniferous trees are required for the replacement of each protected tree removed.
 - (b) 51 cm to 65 cm DBH tree removed – Three 10 cm caliper deciduous trees or three 4 meter high conifer trees are required for the replacement of each protected tree.
 - (c) 66 cm to 75 cm DBH tree – Four 10 cm caliper deciduous trees or four 4 meter high conifer trees are required for the replacement of each protected tree.
 - (d) 76 cm to 85 cm DBH specimen tree – Five 10 cm caliper deciduous trees or five 4 meter high conifer trees are required for the replacement of each protected tree.
 - (e) Greater than 85 cm DBH specimen tree – Six 10 cm caliper deciduous trees or six 4 meter high conifer trees are required for the replacement of each protected tree.
- 2. The required number of replacement trees may be reduced by 50 percent, provided that the DBH or height of replacement trees to be planted is increased by 75 percent or more, if so recommended by the Project Arborist.
- 3. Replacement tree species are to be selected by the Project Arborist from a list of recommended replacement tree species available from the City, or as recommended by the arborist, provided that the recommended species comply with the Naturescape principles set forth in the Official Community Plan. The City encourages replacement trees that are of a species that will not grow to screen or block views of neighbouring properties.

4. Notwithstanding the provisions of Part 8, Items 1 and 2 above, replacement trees for fruit-bearing and ornamental trees may be of a similar species.
5. Subject to Part 8, Items 6 and 7 below, a minimum of one replacement tree must be planted on each lot that is the location of a protected tree subject to an application.
6. Replacement Trees must meet the plant condition and structure requirements set out in the latest edition of the British Columbia Society of Landscape Architects/British Columbia Landscape & Nursery Association “B.C. Landscape Standard” and the Canadian Nursery Trade Association “Canadian Standards for Nursery Stock” to be considered acceptable by the City.
7. Replacement Trees must be planted and maintained in accordance with the requirements set out in the latest edition of the British Columbia Society of Landscape Architects/British Columbia Landscape & Nursery Association “B.C. Landscape Standard”.
8. Where no construction or site disturbance on a lot is proposed that would affect the planting of replacement trees, the replacement trees must be planted within ninety (90) days of the date of issuance of the tree management permit.
9. Where the planting of replacement trees would hinder proposed site development and building construction/demolition or where proposed site development and building construction/demolition would jeopardize the survival of replacement trees, security for the planting of the replacement trees, based on the requirements of Part 7, Item 9 of this By-law, must be submitted to the City and held by the City until submission of a tree replacement report confirming the planting of those trees.

Part 9 – Tree Protection

1. All protected trees to be retained shall have a designated tree protection zone identifying the area sufficiently large enough to protect the tree and roots from disturbance. The recommended tree protection zone area can be determined by the formula outlined (see Schedule A) Retention trees must be protected with tree protection barrier fence during site development and building construction/demolition, as recommended by the owner’s arborist and according to the requirements prescribed in Schedule A of this By-law.
2. The required location of the tree barrier is determined by the size of the trunk of the protected tree, as prescribed in Schedule A. These locations will only be reduced where the full distance cannot be provided, and the tree will not be harmed, as confirmed by a report from the Project Arborist, which report has been submitted and approved by the City. Further, the City may require measures to mitigate potential damage during the excavation and construction stages as recommended by the Project Arborist.
3. 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 a report from the Project Arborist, which report has been received and approved by the City.

4. A tree protection barrier must remain in place and in accordance with any recommendations of the owner's arborist and any requirements of the City until the removal of the tree protection barrier is recommended by a report from the Project Arborist, which report has been received and approved by the City.
5. The Project Arborist is to submit a report to the City once a month during the period in which tree protection barriers are in place, confirming that they have visited the site and that the tree barriers are maintained as approved by the City.
6. Site disturbance within a tree protection zone is prohibited including, but not limited to, site grading, deposition or storage of soil or any other 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.
7. Any proposed work within a tree protection zone must first be recommended in a report by the Project Arborist, which report has been received and approved by the City.

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 By-law to ascertain whether the regulations, prohibitions and requirements of this By-law 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. Once all replacement trees required under a tree management permit have been planted, the owner shall submit a report from his arborist to the City that the replacement tree(s) have been installed in accordance with this By-law and that a reduction or release of securities is in order.

Part 11 – Offences

1. Every person commits an offence against this By-law and is liable to a fine of not less than \$1,000 and not more than \$10,000 per offence, who:
 - (a) cuts, removes or damages a protected tree contrary to this By-law or contrary to the terms and conditions of a tree management permit;
 - (b) violates any of the provisions of this By-law 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) omits to do or refrains from doing anything required to be done by any of the provisions of this By-law or a tree management permit.
2. For the purposes of this By-law, 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.

Part 12 – Penalties

1. In the event that a person who commits an offense against this By-law 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 By-law does not exempt the person from the provisions of Part 12 of this By-law.

Part 13 – Schedules

1. Schedule “A” forms part of this By-law.
2. Schedule “B” forms part of this By-law.

Part 14 – General Provisions

1. White Rock Tree Management Bylaw No. 1567, consolidated with amendments, is hereby repealed.
2. This By-law shall come into force on the date of final adoption hereof.


RECEIVED FIRST READING on the
RECEIVED SECOND READING on the
RECEIVED THIRD READING on the

26th day of April, 2010.
26th day of April, 2010.
26th day of April, 2010.

RECONSIDERED AND FINALLY ADOPTED on the 3rd day of May, 2010.



Mayor



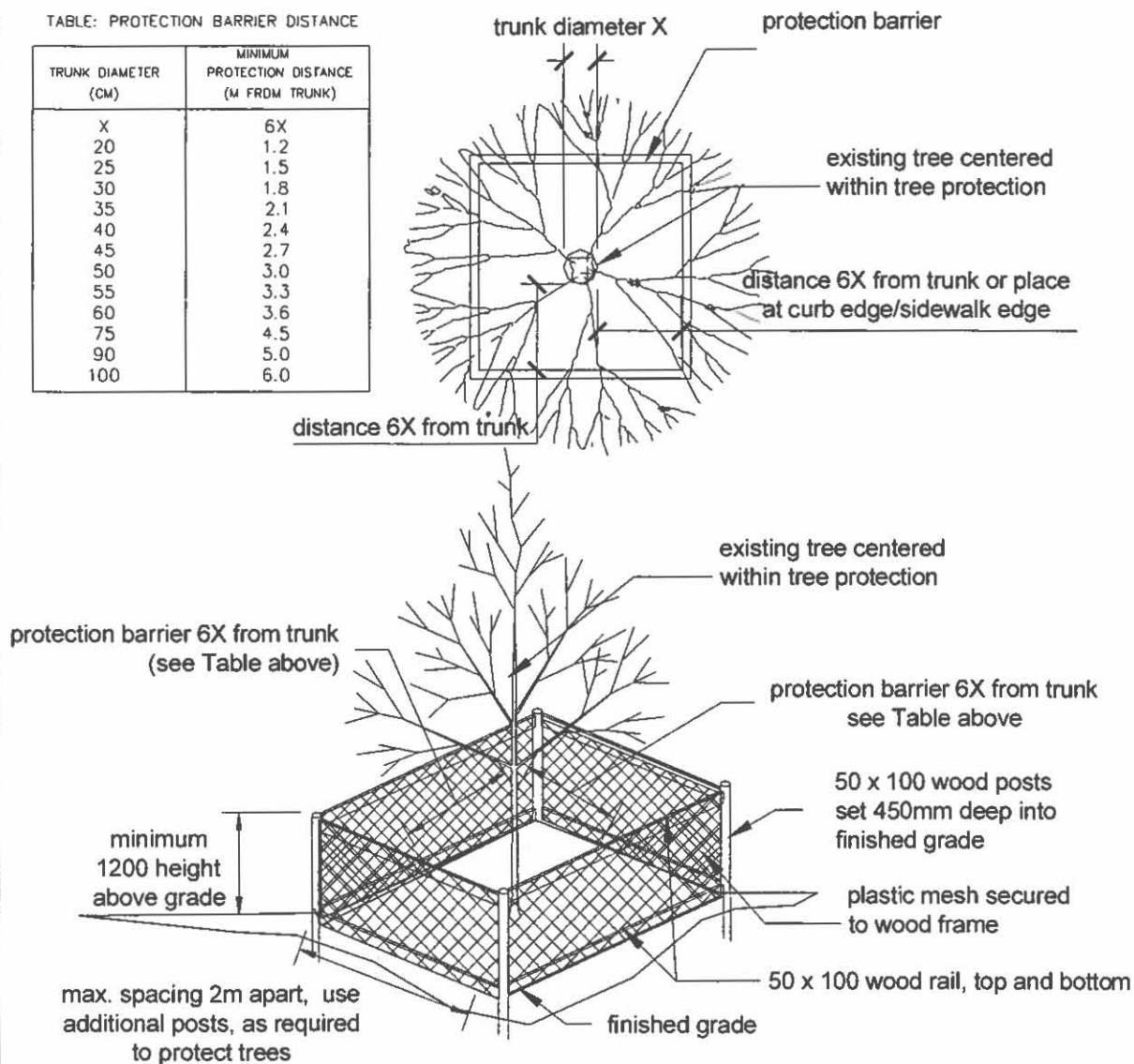
City Clerk

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.

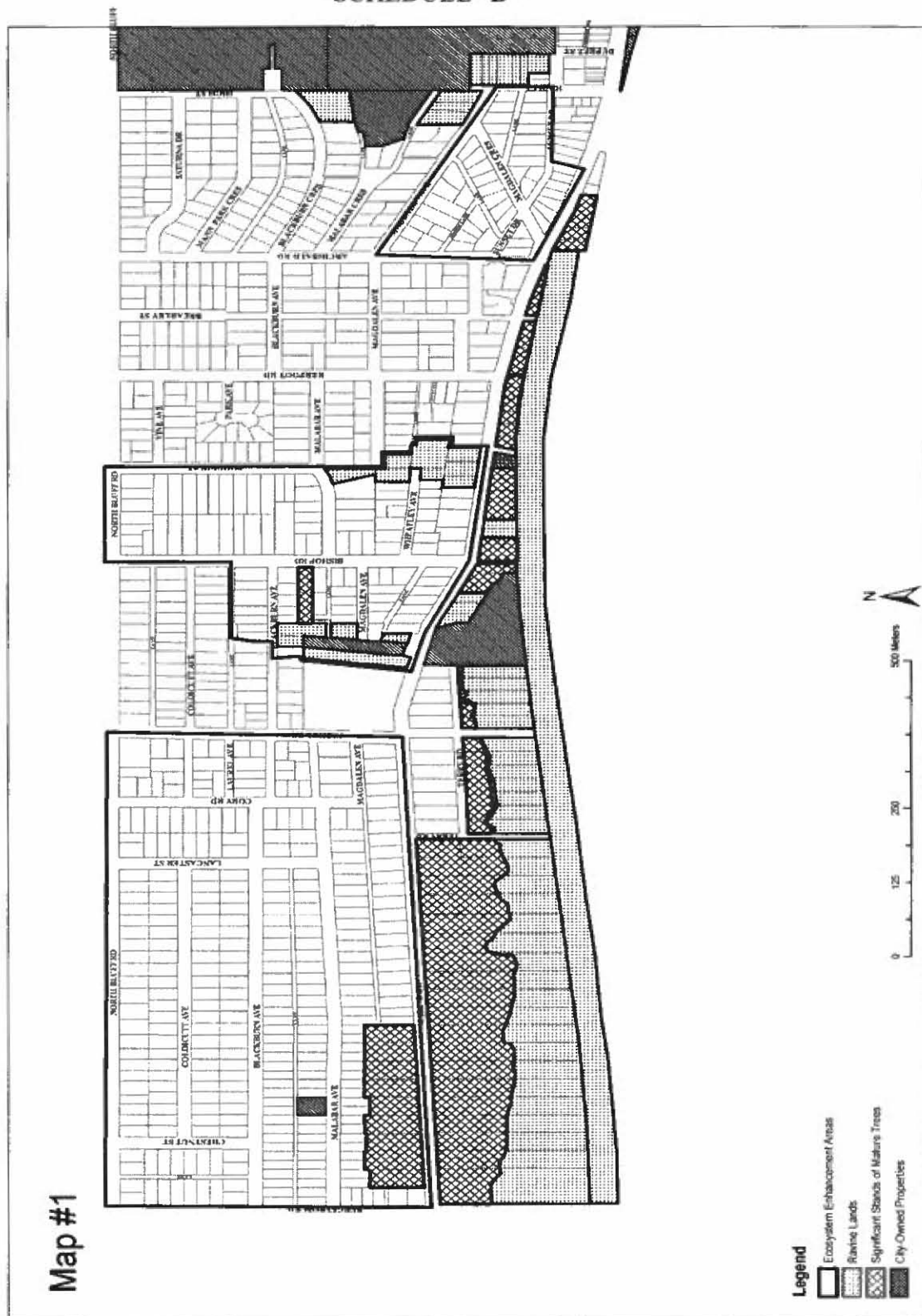
Storage of building materials & litter within or against protection barrier is prohibited. Developer/Owner responsible for maintenance within Tree Protection Barrier.

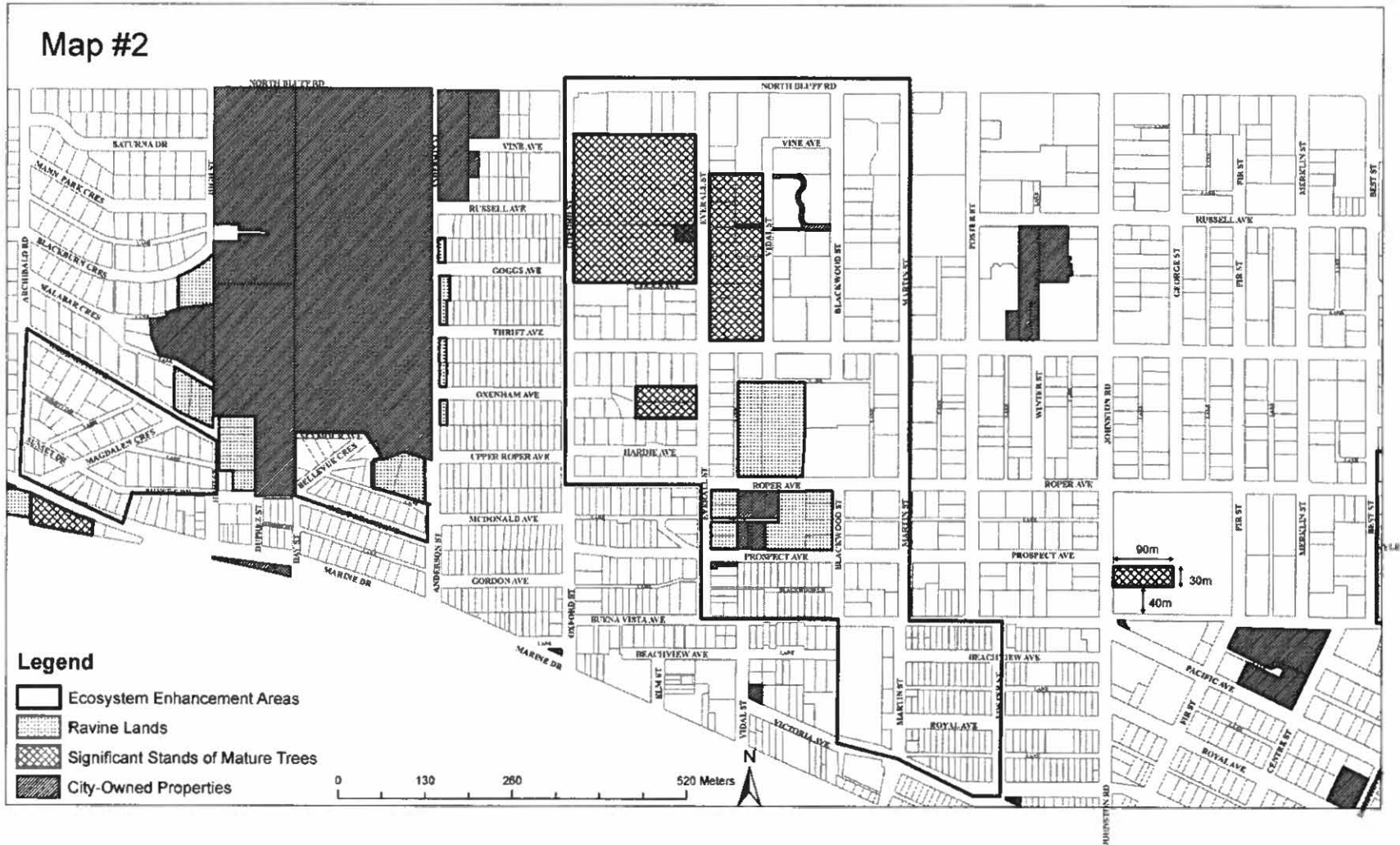
Damaged trees will be replaced at Developer/Owner's cost.

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.

SCHEDULE "B"





Map #3

