



City of Port Moody

CONSOLIDATED FOR CONVENIENCE

A Bylaw to Protect, Regulate, and Prohibit the Cutting Down, Removal, and Damaging of Trees and Vegetation.

WHEREAS the *Community Charter*, authorizes Council to enact bylaws to preserve and protect Trees within the City, to prohibit and regulate their cutting down and removal, and to require their replacement;

AND WHEREAS the Council of the City of Port Moody considers it in the public interest to provide for the protection and retention of Trees in certain areas and for the regulation of their cutting down, removal, and replacement;

NOW THEREFORE the Council of the City of Port Moody, in open meeting assembled, enacts as follows:

1. Citation

1.1 This Bylaw may be cited as City of Port Moody Tree Protection Bylaw, 2015, No. 2961.

2. Repeal

2.1 The City of Port Moody Tree Retention Bylaw No. 2425, 1999 and all amendments thereto are hereby repealed.

3. Definitions

3.1 In this Bylaw:

“**Applicant**” means the owner of a parcel of land, or a person authorized by the owner to make application under this Bylaw;

“**Arborist**” means a practitioner of arboriculture who is also a Certified Arborist in good standing with the International Society of Arboriculture;

“**Buffer Area**” means an area six (6) metres in width adjacent to the whole of a Tree Retention Area;

“**Certified Tree Risk Assessor**” means a Certified Arborist who has also completed the Tree Risk Assessment Course and passed the Tree Risk Assessment Exam under the authority of the International Society of Arboriculture (ISA);

“**City**” means the City of Port Moody;

“**City’s Arborist**” means an Arborist contracted or employed to act on behalf of the City;

“**Council**” means the elected officials of the City;

“**Development Approval**” means the approval of an application for a zoning amendment, a subdivision, a development permit, or a development variance permit;

“**Development Period**” means the period following the issuance of a Development Approval and completion of all works and services, construction, landscaping, and other activity covered by the Approval;

“**Diameter**” means the diameter of the trunk of a Tree, measured 1.4 metres above the level of the natural ground at the base of the Tree;

“**Drip Line**” means a line around a Tree formed by the intersection of the ground and a vertical line extending down from the outermost branches of the Tree;

“**Environmentally Sensitive Areas**” means those areas identified in the City’s Official Community Plan as Environmentally Sensitive Areas, included in Schedule E of this Bylaw;

“**Fees Bylaw**” means the City’s Fees Bylaw;

Added by
BL3191

“**Forester**” means a Registered Professional Forester registered in good standing with the Association of BC Forest Professionals;

Amended
by BL3191

“**General Manager**” means the person holding the position of General Manager of Planning and Development for the City, and any person appointed to act in the place, or under the direction, of the General Manager;

“**Hazard Tree**” means a Tree, identified in writing by a Certified Tree Risk Assessor, as in such a condition that there is a substantial likelihood that all or part of the Tree will fail, resulting in the risk of personal injury or property damage;

“**Landscaping**” means the intentional disturbance, alteration, or modification of land;

“**Municipal Ticket Information Utilization Bylaw**” means the City’s Municipal Ticketing Information Utilization Bylaw;

“**Official Community Plan**” means the City’s Official Community Plan;

“**Owner**” means the owner of land, as defined in the *Community Charter*, or a duly authorized agent or representative;

“**Person**” means any human being as defined by statute, firms, labour organizations, partnerships, associations, corporations, legal representatives, trustees, and receivers, and includes Owners and Applicants, as described within this Bylaw;

“Qualified Environmental Professional” means an applied scientist or technologist who is in good standing in British Columbia with an appropriate professional organization and includes, without limitation, a professional Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist;

“Replacement Tree” means a Tree required to be planted and maintained in accordance with this Bylaw;

“Retained Tree” means a Tree identified in a Tree Removal Permit as a Tree which is not permitted to be cut, removed, or damaged;

Added by
BL3191

“Riparian Management Zone (RMZ)” means the area which includes the Riparian Protection and Enhancement Area and the Riparian Transition Zone, as defined by the City’s Zoning Bylaw;

“Significant Tree” means a Tree identified by Council as significant because of its importance to the community, including for heritage or landmark values or as wildlife habitat;

“Tree” means a woody perennial plant usually having a single trunk or stem which has a diameter of at least 10 centimetres when measured from a height of 1.4 metres above the natural grade of the land;

“Tree Protection Fence” means:

- a) a permanent fence in accordance with Schedule ‘A’ and Schedule ‘C’ to this Bylaw; or
- b) a temporary chain-link fence in accordance with Schedule ‘A’ and Schedule ‘D’ to this Bylaw;

“Tree Removal Permit” means a permit:

- a) issued by the General Manager under Section 6 of this Bylaw, or
- b) a permit incorporated in a Development Approval as authorized by Council;

“Tree Removal Plan” means a plan showing the legal boundaries of one or more parcels of land and delineating specific locations, species and diameter at breast height (DBH) of all trees proposed to be removed and the locations and species of all vegetation proposed to be removed;

“Tree Replanting Plan” means a plan delineating the locations and species of Replacement Trees to be planted in accordance with this Bylaw;

“Tree Retention Area” means any part of a parcel of land(s) that is proposed to be or is designated as a Tree Retention Area, and without limitation includes any Ravine Setback and those Trees within the parcel that are proposed for retention;

“Tree Retention Plan” means a plan delineating areas proposed for Tree Retention, in accordance with this Bylaw;

“Vegetation” means the vegetation covering any land:

- a) that is part of a Riparian Management Zone (RMZ); or
- b) that is located within an Environmentally Sensitive Area (ESA);

“**Wildlife Tree**” means a Tree that provides present or future habitat for the maintenance or enhancement of wildlife, and as defined in the British Columbia’s Wildlife Tree Classification System published in “Wildlife Tree Management in British Columbia,” and as determined by an Arborist and to the satisfaction of the City’s Arborist;

“**Works and Services**” includes any and all works and services, or variations thereof, required to be done for the completion of a Development Approval, to the satisfaction of the General Manager;

“**Zoning Bylaw**” means the City’s Zoning Bylaw.

3.2 Except as otherwise defined in this Bylaw, words and phrases herein are to be construed in accordance with their meanings under the *Community Charter* or the *Interpretation Act*, as the context and circumstances may require. A reference to an Act in this Bylaw refers to a statute of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code, or bylaw as it may be amended or replaced from time to time. Words in the singular include the plural and gender specific terms include both genders and corporations. Headings in this Bylaw are for convenience only and do not define or in any way limit the scope or intent of this Bylaw.

4. Prohibition and Application

4.1 On property owned or held by the City, a person must not cut, remove, or damage any Tree unless the person is a City employee, or an Arborist contracted by the City, acting on behalf of the City and pursuant to the directions of the General Manager or Council.

4.2 On private property, a person must not cut, remove, or damage any Tree, and must not direct, cause, suffer, or permit any Tree to be cut or removed, on lands which are:

- (a) Located within a Riparian Management Zone (RMZ);
- (b) Located within an Environmentally Sensitive Area (ESA);
- (c) Dedicated for retention through a restrictive covenant or other legal instrument; or
- (d) Subject to a Development Approval

Or affect any Tree identified as a Significant Tree, except in strict accordance with the terms, restrictions, requirements, and conditions of a valid and subsisting Tree Removal Permit.

4.3 A flow chart illustrating the application of this Bylaw is contained within Schedule ‘B’ for informational purposes. If any inconsistency is found, the Schedule is to be interpreted as subordinate to the other provisions of this Bylaw.

5. Exemptions

5.1 This Bylaw does not apply to:

- (a) Tree cutting or removal that is undertaken by a utility, on land owned or held by the utility, and done for the purpose of safety, maintenance, or operations of the utility’s infrastructure; or

- (b) Specific measures necessary for the removal of invasive species, habitat restoration planting, erecting a fence, or building a trail, as authorized by the General Manager or the Province of British Columbia.

6. Tree Removal Permits

6.1 Where a Tree Removal Permit is required under this Bylaw, a person must apply in writing for the Permit to the General Manager, in a form approved by that General Manager.

6.2 An application for a Tree Removal Permit must be accompanied by the fees prescribed under the City's Fees Bylaw, and must include the following documented information:

- (a) copy of the Certificate of Title for the subject property, current within thirty (30) days;
- (b) letter of intent, outlining the current situation, proposed changes, and justification thereof;
- (c) proposed dates and hours for on-site works and tree removal, and anticipated completion dates for replanting;

Amended
by BL3191

- (d) An arborist report, dated within the last two years that contains the following information:
 - i) details of the proposed practices and procedures for Tree and Vegetation protection during removal and replanting, including a statement prepared by a Qualified Environmental Professional or an Arborist that, in their professional opinion, the proposed methods are in accordance with the requirements of applicable environmental legislation;
 - ii) a survey plan, to scale, showing all legal boundaries of the subject land, names of abutting highways, including all streets and lanes, easements, rights-of-way, location of above-ground and under-ground services, and any existing and proposed buildings and structures;
 - iii) a map identifying and documentation confirming any existing Tree Retention Areas, Streamside Protection and Enhancement Areas, and Environmentally Sensitive Areas within or adjacent to the subject land;
 - iv) a description of predominant species, approximate age, size, condition, location, and number of Trees within the subject land;
 - v) a map identifying and documentation confirming any Significant Trees or Wildlife Trees located within the subject land;
 - vi) a Tree Removal Plan, complete with a map locating all Trees and Vegetation proposed to be removed;
 - vii) a Tree Retention Plan; and
 - viii) a Tree Replanting Plan, complete with a map identifying locations, species, and DBH of proposed Replacement Trees, and showing the replanting of two (2) or more Replacement Trees for each one (1) Tree removed from the land.

6.3 Any Tree Removal Plan, Tree Replanting Plan, or Tree Retention Plan required under this Bylaw must be prepared by an Arborist at the expense of the Owner.

6.4 If any portion of the trunk or major root structure of any Tree is situated on more than one (1) parcel of land, the Tree Removal Permit application must contain the written consent of all Owners affected.

- 6.5 Where the site of proposed removal or replanting of any Trees or Vegetation on any land that includes or is adjacent to any part of a watercourse, the Tree Replanting Plan and Tree Retention Plan shall include a detailed survey, prepared by a Qualified Environmental Professional, denoting the top of bank, the top of any ravine bank, and the natural boundary of any such watercourse as applicable in accordance with the Zoning Bylaw.
- 6.6 The Tree Removal Plan and Tree Replanting Plan must include any other information requested by the General Manager, as he or she considers is necessary to adequately describe the nature and extent of proposed Tree cutting or removal operations including, but not limited to, a report prepared by a Qualified Environmental Professional or Arborist stating that if works proceed as planned or as recommended in the report, that no adverse impacts (including but not limited to flooding, erosion, or damage to a watercourse) will result from the cutting or removal of the Trees or Vegetation.
- 6.7 Except as otherwise expressly permitted under a Tree Removal Permit, a Person must not cause damage to any Tree or Vegetation, including, but not limited to, by engaging in any of the following activities:
- (a) clearing, grading, removing soil, filling, or excavating within a Drip Line;
 - (b) cutting, damaging, or undermining the roots of a Tree growing within a Drip Line;
 - (c) operating trucks, backhoes, excavators, or other machinery and equipment over the roots of a Tree growing inside a Drip Line;
 - (d) removing bark or denting, gouging, or damaging the trunk of a Tree;
 - (e) disposing of waste materials such as paint, solvents, or gyproc mud, the washing of cement or stucco machines, and the piling of other waste construction materials within a Drip Line;
 - (f) placing, storing, or piling of any materials, including construction materials such as sand, aggregates, lumber, formwork, pipes, and equipment such as generators, portable toilets, ancillary service machines, portable sheds, or other storage units within a Drip Line;
 - (g) attaching signs, fencing, lights, cables, hoarding, or any other equipment or structure to the Tree or Vegetation; or
 - (h) altering the ground water or surface water level within a Drip Line.

6.8 PERMIT AUTHORITY

- 6.8.1 On receiving a complete application, signed by the Owner, along with full payment of applicable fees, and on being satisfied that the application meets the standards and objectives of this Bylaw, the General Manager may issue a Tree Removal Permit, and may attach any terms, conditions, restrictions and requirements to the Permit as he or she considers necessary or advisable for the stability and health of the remaining Trees and Vegetation in the vicinity.

6.8.2 As determined by a Certified Tree Risk Assessor, unless otherwise determined by the General Manager, hazard trees will be considered for removal in accordance with applicable legislation and in accordance with International Society of Arboriculture (ISA) procedures and standards, and may be considered for removal without a Tree Removal Permit.

6.8.3 The General Manager may refuse a Tree Removal Permit if:

(a) the removal would be carried out within:

- i. a Streamside Protection and Enhancement Area, other than in accordance with the *Fish Protection Act*; or
- ii. an Environmentally Sensitive Area, other than in accordance with a Development Approval issued under the City's Official Community Plan;

(b) the removal would adversely affect property owned or held by the City; or

(c) the General Manager is not satisfied that the standards and requirements of this Bylaw are being met or that they can effectively be met if the cutting or removal is carried out as proposed in the application.

6.8.4 The General Manager may suspend, revoke, or cancel a Tree Removal Permit if he or she considers that work or activity being carried out is in violation of any of the terms, restrictions, requirements, or conditions of the Permit or any provision of this Bylaw, or that injury or damage, whether or not intentional, has occurred or is likely to occur to the remaining Trees, Vegetation, or to adjacent properties.

Added by
BL3191

6.9 All tree removal must be carried out in accordance with Corporate Policy – 13-6870-2019-02 – Bird Nest Protection.

7. Protection of Retained Trees

Amended
by BL3191

7.1 Prior to any construction, demolition, excavation, or installation of Works and Services occurring on the land, and in accordance with Schedules 'A', 'C', and 'D' and, if applicable, the conditions of a Development Approval, any required permanent and temporary Tree Protection Fencing must be installed by the owner's arborist. The owner must ensure that all Tree Retention Areas are protected from disruption, injury, or damage.

Amended
by BL3191

7.2 A Person must not damage, destroy, or alter an authorized Tree Protection Fence. Written consent from the owner's arborist is required for any alterations during the Development Period.

Amended
by BL3191

7.3 Every Owner must ensure that any required Tree Protection Fence:

- (a) is installed by an arborist;
 - (b) is maintained in good condition throughout the entire Development Period;
- and

- (c) remains in place until the end of the Development Period, unless the General Manager is satisfied that the Tree Protection Fence is no longer necessary and has authorized, in writing, its removal at an earlier time.

8. Maintenance and Security for Replacement Trees

8.1 When required to install Replacement Trees as a condition of a Development Approval, Tree Removal Permit, or as a result of a contravention of this Bylaw, the Owner must:

- (a) ensure that each Replacement Tree is planted and maintained by, or under the direction of, an Arborist and, in any case, done so in accordance with the standards of the following:
- i. the International Society of Arboriculture (ISA), or
 - ii. the British Columbia Landscape Nursery Association (BCLNA) standards; and
- (b) provide to the City a security in the form of cash or a letter of credit in the amount of and for the period specified in the Tree Removal Permit or as included in the general bonding requirements of a Development Approval, or if not stated in the Permit or Approval, in a monetary amount determined by the City in accordance with Section 3 of Schedule 'A' of this Bylaw, for each one (1) Replacement Tree.

8.2 Security other than cash must be provided in the form of an unconditional, irrevocable, and automatically renewable letter of credit made by a Canadian Chartered Bank, made in favour of the City, and capable of presentation at a branch of the bank situated within the City. Such letters of credit must be maintained as good and valid security by the Owner until the expiry of the time periods set out in Subsection 8.3. In the event that the Owner fails or omits to renew or replace the letter of credit as required and to deliver such renewal or replacement to the City within 21 days prior to the expiry of the letter of credit held by the City, the City may draw on the then current letter of credit, without notice or restriction, and hold the monies in lieu thereof.

8.3 Provided that the General Manager is satisfied that any and all Replacement Trees are planted properly and maintained in a healthy condition, in compliance with this Bylaw and any applicable Tree Replanting Plan, the General Manager will cause the original amount of the security deposit being held by the City to be reduced in stages, by release to the Owner, as follows:

- 25 percent to be released after completion of all required planting of Replacement Trees;
- 25 percent to be released one (1) year after the date their planting was completed; and
- the remaining 50 percent to be released two (2) years after the date their planting was completed.

8.4 If the General Manager is not satisfied that the Replacement Trees are in a healthy condition at the time of assessment for the purposes of reducing the security deposit, or that the conditions and requirements of an applicable Tree Replacement Plan or this Bylaw are not being met, the General Manager may withhold the amount of security deposit that would otherwise be released under this Section, and may draw upon that amount to cause any unhealthy Replacement Trees to be restored effectively to a healthy condition, to replace any Trees that cannot be so restored, and to otherwise bring the property into compliance with the Tree Replacement Plan and this Bylaw, in which event that amount of the security deposit is forfeited to the City to cover its costs and expenses. Any further costs and expenses incurred by the City for these purposes become a debt owing to the City by the Owner and may be recovered as if for taxes in arrears.

9. Hazard Tree Management

9.1 HAZARD TREE REMOVAL REQUESTS

9.1.1 Where an Owner wishes to remove a Hazard Tree from private property, the owner must submit to the General Manager a report prepared by an Arborist, identifying any such Hazard Trees. If the Arborist considers there is an imminent risk of any Hazard Tree causing injury or damage then that Hazard Tree may be removed in accordance with recommendations of the report at the discretion of the General Manager.

Added by
BL3071

9.1.2 For the purpose of hazard tree removals in Belcarra Regional Park, section 9 of this Bylaw shall not apply to metro Vancouver Regional Parks.

9.2 HAZARD TREE MANAGEMENT DURING THE DEVELOPMENT APPROVAL PROCESS

9.2.1 Prior to the installation of Tree Protection Fencing, the Owner of land within a Development Approval area must, at his or her own expense, remove any Hazard Trees identified within plans and reports submitted to the City as part of the Tree Removal Permit application process.

9.2.2 During the Development Period, the Tree Retention Area may be periodically inspected by the City's Arborist to ensure that the Retained Trees are sound, and that no incursion has taken place within the Tree Retention Area.

9.2.3 The City's Arborist may enter onto property subject to a Development Approval to assess the condition of any Trees on that property. Any Trees determined by that Arborist to be Hazard Trees will be marked and subsequently must be removed at the Owner's expense in accordance with Schedule 'A' to this Bylaw.

- 9.2.4 Following the completion of the Development Period, including final Landscaping, the Owner must, at the Owner's expense, arrange for an Arborist to examine all Trees and Vegetations within the Tree Retention Area and to prepare an assessment report of their overall health, noting any potential hazards and unhealthy species. This assessment report must be submitted for review by, and to the satisfaction of, the General Manager.

10. Inspection and Authority

- 10.1 When an application for a Tree Removal Permit is made under this Bylaw, the General Manager may inspect or cause an inspection to be made of any Trees and the lands on which they grow, and may further assess the location, size, condition, and species of the Trees.
- 10.2 The General Manager, or a City employee, or an Arborist designated by the General Manager, may enter upon, during all reasonable times, any land(s) that is subject to this Bylaw to determine if the provisions of this Bylaw are being met.
- 10.3 Where the General Manager considers that a contravention to this Bylaw, or any Tree Removal Permit or Plan has occurred, the General Manager may notify the Owner in writing of the contravention and require that measures be taken to remedy the contravention within a certain time period.
- 10.4 A person to whom a notice is delivered under Subsection 10.3 must fully comply with any requirements stated in the notice, within the time period stated therein, or if not stated, within 30 days of the date of the notice.
- 10.5 An Owner must ensure that each Tree removed is replaced at a 2:1 ratio which requires two (2) Trees to be replanted for each one (1) Tree cut, removed, or damaged, and the Trees shall be replaced on the same land to which they were disturbed and in accordance with Schedule 'A' to this Bylaw. Where replanting on the same land is not feasible or practical, the General Manager may agree to the Owner paying a monetary amount to the City in lieu of the Replacement Trees. In the case where such money is received for Replacement Trees, the General Manager or Council may determine the locations where Replacement Trees will be planted.

11. General

- 11.1 The General Manager is responsible for the administration of this Bylaw.
- 11.2 In reaching a decision under this Bylaw, the General Manager may retain the services of an independent Arborist, at the cost of the Owner requesting to cut or remove any Trees from property subject to this Bylaw, to review the report of an Arborist retained by the Owner to prepare a report in support of an application for a Tree Removal Permit or a Development Approval in order to verify or reassess any information contained in the original report. The General Manager may also, in his or her sole discretion, rely on either report in determining whether to issue, revoke, place conditions on, or refuse a Tree Removal Permit or a Development Approval;

11.3 Where an Owner is subject to a discretionary decision made under this Bylaw by the General Manager and is not satisfied with that decision, the Owner may apply to Council for reconsideration of the matter within 30 days of the decision being communicated to the Owner. The application must be in writing to the City's Corporate Officer, copied to the General Manager and must set out the reasons why the decision should be reconsidered and what, if any, decision the Owner would like Council to substitute. At the meeting of Council, Council may hear from the Owner, the General Manager, and any other person who may have an interest in the matter or relevant information about it, and may either confirm the decision of the General Manager or substitute the decision as Council deems appropriate.

12. Offence and Penalty

12.1 Every person who does the following commits an offence:

- (a) contravenes, violates, or fails to comply with any provision of this Bylaw;
- (b) permits, suffers, or allows any act or thing to be done in contravention of this Bylaw; or
- (c) fails or neglects to do anything required to be done under this Bylaw, or of any permit or order issued under this Bylaw.

12.2 Each day that a violation exists, or continues, shall constitute a separate offence.

12.3 Where more than one (1) Tree is cut down, removed, suffered or damaged in violation of this Bylaw, a separate offence is committed in respect of each such Tree.

13. Penalty and Fine

13.1 Every person who commits an offence against this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to a fine of not less than \$1,000.00 and not more than \$10,000.00 for each offence;
- (b) if a ticket is served under the City's Municipal Ticket Information Utilization Bylaw, to a fine of up to \$1,000.00; and
- (c) by order of the court, a direction to:
 - i. not do any act or engage in any activity that may result in the continuation or repetition of the offence;
 - ii. pay the costs incurred by the City in investigating and prosecuting the offence;
 - iii. pay compensation to the City for any damage or loss sustained by the City resulting from the commission of the offence to a maximum of \$25,000 or higher monetary limit as may be specified under the *Small Claims Act* in force at the time of the offence; and
 - iv. take any action the court considers appropriate to remedy any harm that resulted from the commission of the offence.

14. Schedules

14.1 Schedules 'A' through 'E' are attached to and form part of this Bylaw.

15. Severability

15.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

BYLAW NO. 2961 ADOPTED

AMENDMENT No. 1, 2016, No. 3071

AMENDMENT No. 2, 2019, No. 3191

July 14, 2015

January 10, 2017

April 23, 2019

SCHEDULE 'A'

Tree Protection Standards

1. DESIGN STANDARD FOR TREE RETENTION AREAS

- (a) An Arborist shall be obtained to assess Tree Retention Areas and to determine the viability of the lands proposed for Tree retention.
- (b) In cases where the land area to be protected is large enough to maintain its ecological viability, existing Trees will be retained where it is feasible to do so. In smaller areas, the primary consideration is to protect the land base from encroachment so that it is available to support the growth of Trees and replanting within these areas.
- (c) Trees on slopes having a grade greater than three (3) horizontal to one (1) vertical (3H:1V) shall be evaluated for Tree retention and proposed removal may first require a geotechnical review of the site.
- (d) Wildlife Trees shall be identified and retained in accordance with provincial guidelines and will be recommended as a mitigation option as part of the Tree removal process.
- (e) Tree removal must be carried out in accordance with Corporate Policy – 13-6870-2019-02 – Bird Nest Protection. All Tree removal should be avoided from March 1st through to August 31st. If tree removal is sought during this time of any given year, any Tree Removal Plan, Tree Replanting Plan, or Tree Retention Plan, as applicable, in addition to any other information and requirements, must include:
 - (i) a biological survey prepared by a Qualified Environmental Professional identifying any active nests located upon or in the vicinity of the subject land; and
 - (ii) measures to be undertaken for protection of such nests in accordance with any requirements under the *Wildlife Act* and other applicable legislation.
- (f) Tree Retention Areas capable of retaining the existing environment should be designed at a minimum width of two (2) Tree heights based on a typical average height of the predominant species within the area at the time of the development.
- (g) For areas smaller than two (2) Tree heights in width, an Arborist shall assess the site to determine which Trees require removal and prepare a replanting scheme specific to that area.
- (h) In areas where large stands or clusters of Trees are desirable for retention, the area should be roughly circular in shape to minimize the amount of forest edge. Long narrow strips of retained Trees are not recommended and considered inferior to circular clumps of Trees.
- (i) All Tree Retention Areas require an edge management program prepared by an Arborist or a Forester. Trees identified for removal must then be replaced in accordance with this Bylaw and per section 3 of these Guidelines.
- (j) Replanting within Tree Retention Areas includes the replacement of Trees removed along the edges of the Tree Retention Area. These Trees shall be replanted at an appropriate time of the year to ensure survivability and must be in accordance with Corporate Policy – 13-6870-2019-01 – Naturescape Principles, or as authorized by the General Manager. The Owner must ensure that Replacement Trees will survive in the newly created environment, and must take into consideration any adjacent development.

Amended
by BL3191

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2. GUIDELINES FOR TREE PROTECTION

- (a) After submitting an application to the satisfaction of the City, as outlined in Section 6 of this Bylaw, the Applicant must have the Tree Retention Area and Buffer Area surveyed and the boundaries staked.
- (b) Once the Tree Retention Area has been surveyed, and approval from the General Manager has been authorized, the area will be inspected by the City's Arborist to determine which Trees, if any, require removal from the Tree Retention Area. Trees that are recommended for removal shall be clearly marked with paint or Tree tags.
- (c) After the assessment of potential Tree removal is conducted, the outer edge of the Tree Retention Area and Buffer Area must be marked with a temporary continuous barrier tape or rope clearly delineating the area.
- (d) The Trees marked for removal are to be hand fallen under the on-site supervision of the City's Arborist and must be away from and outside of the Tree Retention Area to minimize the disturbance to other existing vegetation.
- (e) The fallen Trees are to be removed from the Tree Retention Area under the onsite supervision of the City's Arborist. Machinery must be located outside of the Tree Retention Area and Buffer Area and must be able to reach in and either lift up the entire Tree and extract it, or by attaching a cable or chain to the log or Tree and then extracting it with one end lifted clear of the ground. Under no circumstances are motorized vehicles to enter the Tree Retention Area or Buffer Area.
- (f) Immediately after the removal of fallen Trees and prior to any other works and services taking place on the site, other than work required to access to complete these works, the Tree Protection Fence is to be erected and then Replacement Trees are to be planted for each fallen Tree in accordance with Section 3 of this Schedule. The Tree Protection Fence must remain in place until all development on the site is complete. Following erection and approval of the Tree Protection Fence the Buffer Area may then be cleared.
- (g) After any clearing, stripping, and grading of adjacent lands has taken place, the City's Arborist shall assess the Tree Retention Area and mark for removal any additional Trees that are considered necessary for removal. The Owner must ensure these Trees are removed in accordance with sections 2(d) and (e) above. Immediately following the removal of any Trees marked, the Tree Protection Fence must be inspected by the City's Arborist and repaired as required by the applicant.
- (h) For permanent Tree Protection Fences, signs must be mounted and marked in accordance with the design guidelines as provided in Schedule 'C' of this Bylaw.
- (i) For temporary Tree Protection Fences, signs must be mounted and marked in accordance with the design guidelines as provided in Schedule 'D' of this Bylaw.

Amended
by BL3191

3. STANDARD FOR TREE REPLACEMENT

Where Replacement Trees are required to be provided pursuant to this Bylaw such Trees shall be provided and planted as follows:

- (a) for each Tree removed, two (2) Replacement Trees shall be planted;
- (b) each Replacement Tree shall be of the same species as the Tree cut down or removed, unless otherwise authorized by the General Manager;

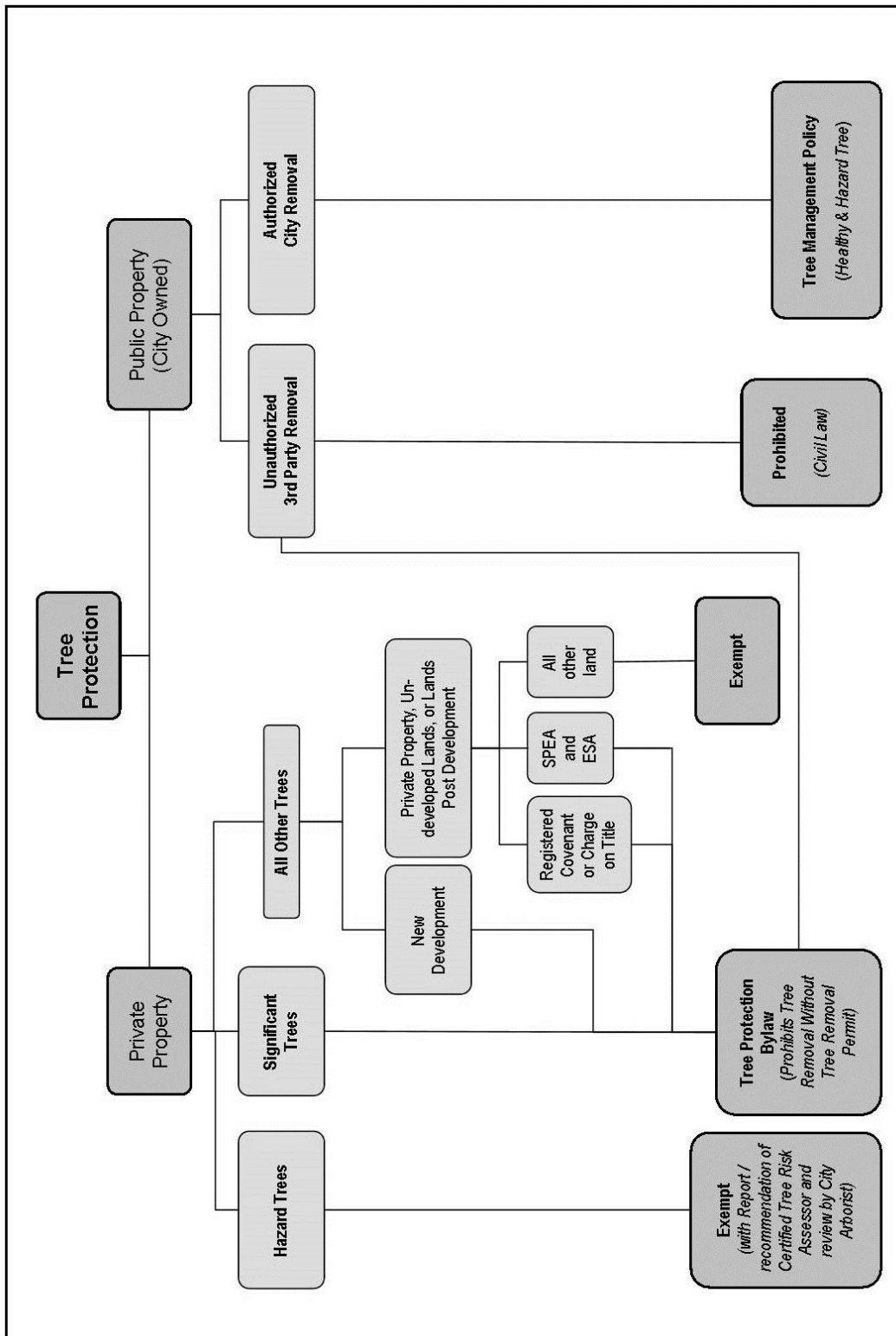
- (c) each Replacement Tree shall be planted within one (1) month of the cutting down or removal of a Retained Tree, except as otherwise authorized by the General Manager; and
- (d) notwithstanding the definition of Tree, each Replacement Tree shall be a minimum height of 1.5 metres if coniferous and a minimum diameter of seven (7) centimetres, measured at the base of the Tree if deciduous, unless otherwise authorized by the General Manager.

Any Replacement Tree that dies or becomes diseased prior to the final repayment of any security deposit, in accordance with Section 9 of this Bylaw, shall be replaced by a new Replacement Tree.

The current *Guide for Plant Appraisal*, prepared by the Council of Tree and Landscape Appraisers, shall be used as a reference when calculating and assessing costs related to Replacement Trees and Trees that have been cut, removed, damaged or otherwise.

SCHEDULE 'B'

Tree Protection Bylaw: Process Flow Chart

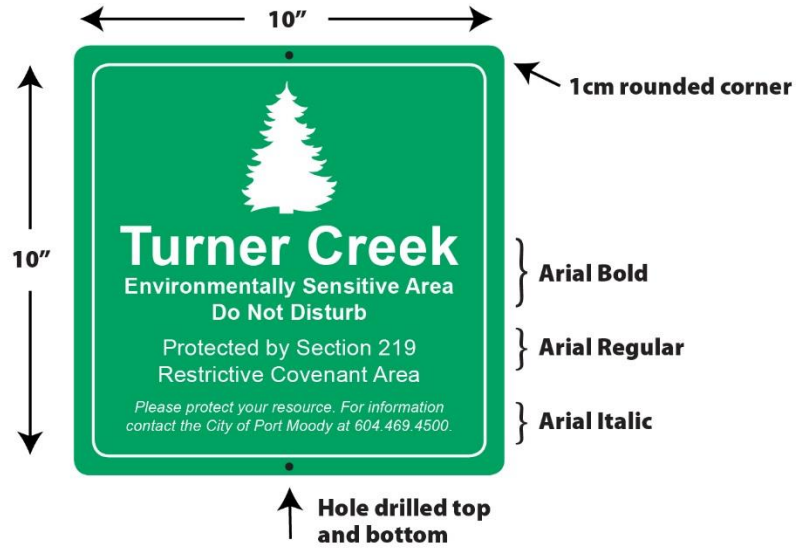


SCHEDULE 'C'

Tree Protection Fence Details: Permanent Fencing

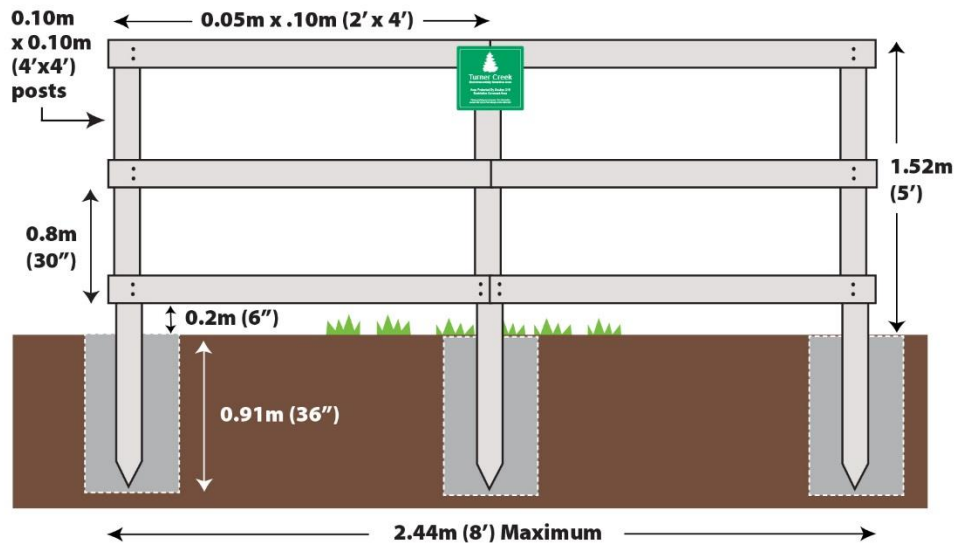
Sign Specifications

- 10" by 10"
- Printed on a minimum of 3mm engineered grade aluminum
- Background is B.C. Ministry of Transportation "Highway Green" (Pantone 347) with white lettering in Arial font
- Pre-drilled holes at top and bottom
- 1cm rounded corners to eliminate all sharp edges



Fence and Sign Installation

- Install one sign every 15m (50 feet) or install one sign at the rear of each lot (whatever creates the lesser distance between signs)
- Signs should be readily visible to the occupiers of the property and/or the public. This will be confirmed by staff prior to development approval.

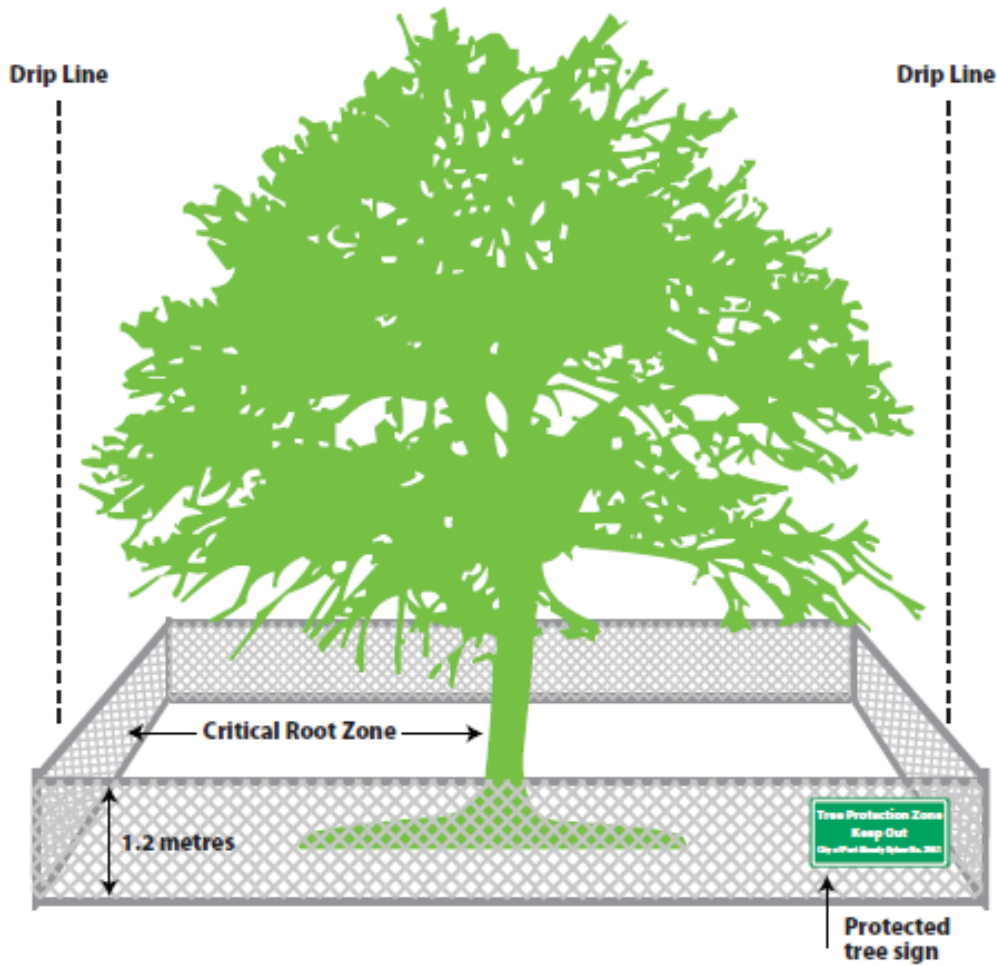


Post and rail wood fence detail

SCHEDULE 'D'

Tree Protection Fence Details: Temporary Fencing

 **Temporary Fencing Requirements**
Planning Division 604.469.4540 • www.portmoody.ca



SCHEDULE 'E'

Map 13: Environmentally Sensitive Areas (OCP, 2014)

