

Committee of Council Agenda

Tuesday, November 3, 2020

2:00 p.m.

Port Coquitlam Community Centre - Wilson Lounge

2150 Wilson Avenue, Port Coquitlam, BC

Pages

1. CALL TO ORDER

2. ADOPTION OF THE AGENDA

2.1. Adoption of the Agenda

Recommendation:

That the Tuesday, November 3, 2020, Committee of Council Meeting Agenda be adopted as circulated.

3. CONFIRMATION OF MINUTES

None.

4. REPORTS

4.1. Rezoning Application - 1300 Dominion Avenue

1

Recommendation:

That Committee of Council recommend to Council that:

1. *The zoning of 1300 Dominion Avenue be amended from A (Agricultural) to DC (District Commercial); and,*
2. *Prior to adoption of the amending bylaws, the following conditions be met to the satisfaction of the Director of Development Services:*
 - a. *Demolition of existing structures.*
 - b. *Submission of plans, securities and fees for off-site works and services.*

4.2. Zoning Amendment Bylaw Extension - 1752 and 1758 Salisbury Avenue

20

Recommendation:

That Committee of Council extend the date of expiry for adoption of Zoning Amendment Bylaw No. 4154 to January 14, 2022.

4.3. Zoning Amendment Bylaw Extension - 1021 Prairie Avenue

22

Recommendation:

That Committee of Council extend the date of expiry for adoption of Zoning Amendment Bylaw No. 4145 to October 8, 2021.

4.4. Tree Bylaw Amendment

24

Recommendation:

That Committee of Council direct staff to prepare amended bylaws to incorporate the changes outlined in the report.

5. COUNCILLORS' UPDATE

6. MAYOR'S UPDATE

7. CAO UPDATE

8. RESOLUTION TO CLOSE

8.1. Resolution to Close

Recommendation:

That the Committee of Council Meeting of Tuesday, November 3, 2020, be closed to the public pursuant to the following subsections(s) of Section 90(1) of the Community Charter:

Item 5.1

i. the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

l. discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

9. ADJOURNMENT

9.1. Adjournment of the Meeting

Recommendation:

That the Tuesday, November 3, 2020, Committee of Council Meeting be adjourned.

10. MEETING NOTES

1300 Dominion Avenue – Rezoning Application

RECOMMENDATIONS:

That Committee of Council recommend to Council that:

1. The zoning of 1300 Dominion Avenue be amended from A (Agricultural) to DC (District Commercial); and,
2. Prior to adoption of the amending bylaws, the following conditions be met to the satisfaction of the Director of Development Services:
 - a. Demolition of existing structures.
 - b. Submission of plans, securities and fees for off-site works and services.

PREVIOUS COUNCIL/COMMITTEE ACTION

December 11, 2018 – Council adopted a resolution to provide notice under Section 57 of the Community Charter related to work without permit and unsafe conditions.

REPORT SUMMARY

This report provides for Committee consideration of an application to rezone a large 3.3-acre site to permit a highway oriented commercial use. Rezoning to the District Commercial (DC) zone would be in keeping with the City's land use policies and the site's Highway Commercial land use designation in the Official Community Plan. The recommended conditions of approval are in keeping with the City's intent to ensure buildings are safe and properties are adequately serviced. Staff recommend approval.

BACKGROUND

Proposal: Thinkspace Architecture has submitted rezoning and development permit applications for 1300 Dominion Avenue to facilitate the relocation of the Coquitlam Chrysler automobile dealership to Port Coquitlam.

Site Context: The site is approximately 3.3 acres in size, relatively flat and is currently used as a gardening centre. Current development includes a number of buildings, roof structures, pavement, and limited onsite landscaping consisting primarily of hedging at the periphery of the site. The City has been working with the current business owner to address issues of safety and work without building permits for a number of years resulting in the registration of a Section 57 notice on title. This notice would be discharged once the existing buildings are demolished.

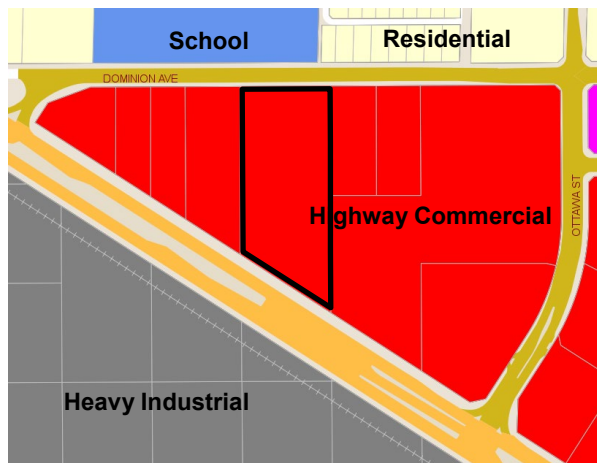


Location Map

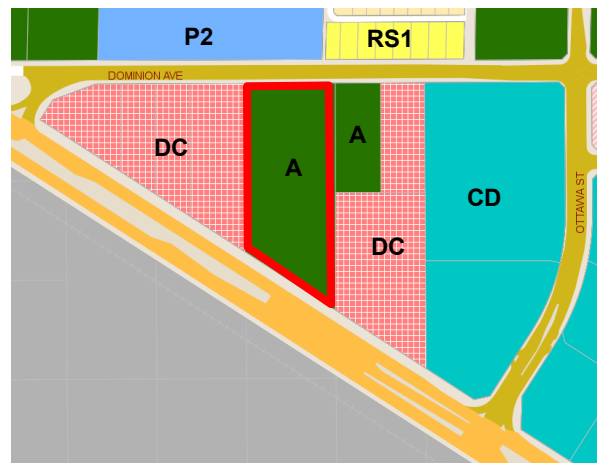
1300 Dominion Avenue – Rezoning Application

Surrounding land uses include the Burkeview Chapel Funeral Home to the west, Jim Pattison Auto Dealers and an agricultural zoned property to the east, Archbishop Carney Secondary School and residential uses to the north of Dominion Avenue. The site, unlike its neighbours, has not been filled to meet flood construction levels and will require filling. Watercourses are also located on the west and south periphery of the site.

Policy and Regulations: The site is currently zoned A (Agricultural) and has been used for a garden centre for a number of decades. The Official Community Plan land use designation for the properties along the south side of Dominion Avenue is Highway Commercial (CH) which is intended to provide for auto-oriented commercial uses that attract a regional market and require more parking than local commercial uses.



Current OCP designations



Current zoning

The policies of the Official Community Plan encourage a wide range of commercial businesses and associated employment generation in the community. The policies also provide for the City to protect areas of environmental sensitivity through development.

This site will be subject to form and character, environmental conservation and watercourse protection development permit objectives and design guidelines. These applications would be considered after adoption of the zoning bylaw amendment.

Project description: The site is the last remaining commercial property along this segment of Dominion Avenue needing to be filled to meet the flood construction level. The applicant has proposed adding approximately 2m of fill to raise the existing grade to be similar to adjacent properties and make the property more resilient to flooding. The proposed development consists of a commercial building with roof-top and grade level parking for customers and automobile display, landscaping and a landscaped riparian protection area. Vehicle access to the site will be limited to Dominion Avenue with an entrance located near the northwest corner of the site. The

access has been designed to enable transport trucks access. The proposed L-shaped building is approximately 3500m² (37,670 ft²) in size and provides space for automobile servicing and parts storage, sales and administration and includes an indoor wash bay to minimize impact to adjacent property. The site plan provides for 323 parking spaces which will accommodate staff and visitors needs along with the display of vehicles for sale.



View from Lougheed Highway

1300 Dominion Avenue – Rezoning Application



Development concept: view from Dominion Avenue

The landscape plan calls for a mixture of trees, shrubs, perennials, grasses and ground cover plants located to the periphery of the site and interplanted throughout the parking field to soften the street edge, provide shade and architectural interest. Included in the landscaping are two sloped boulder display areas for vehicles facing Lougheed Highway.

The proposed development, in accordance with the Building and Plumbing Bylaw, will also be constructed to meet Step 2 of the BC Energy Step Code which will reduce energy consumption compared to a typical commercial building. The applicant has indicated the development will also include the following environmental conservation measures; light coloured roofing materials, addition of trees to provide shading, riparian enhancement, timer-controlled lighting, a bioswale, recycling of existing concrete for fill on site, and two EV charging stations to promote electric vehicle use. A thorough description of environmental conservation measures will be provided to Committee for consideration of development permit issuance.

Watercourse Protection: The proposed development is adjacent to a class A(O) watercourse running along Lougheed Highway and small class B watercourse located along the southern portion of the western parcel line.



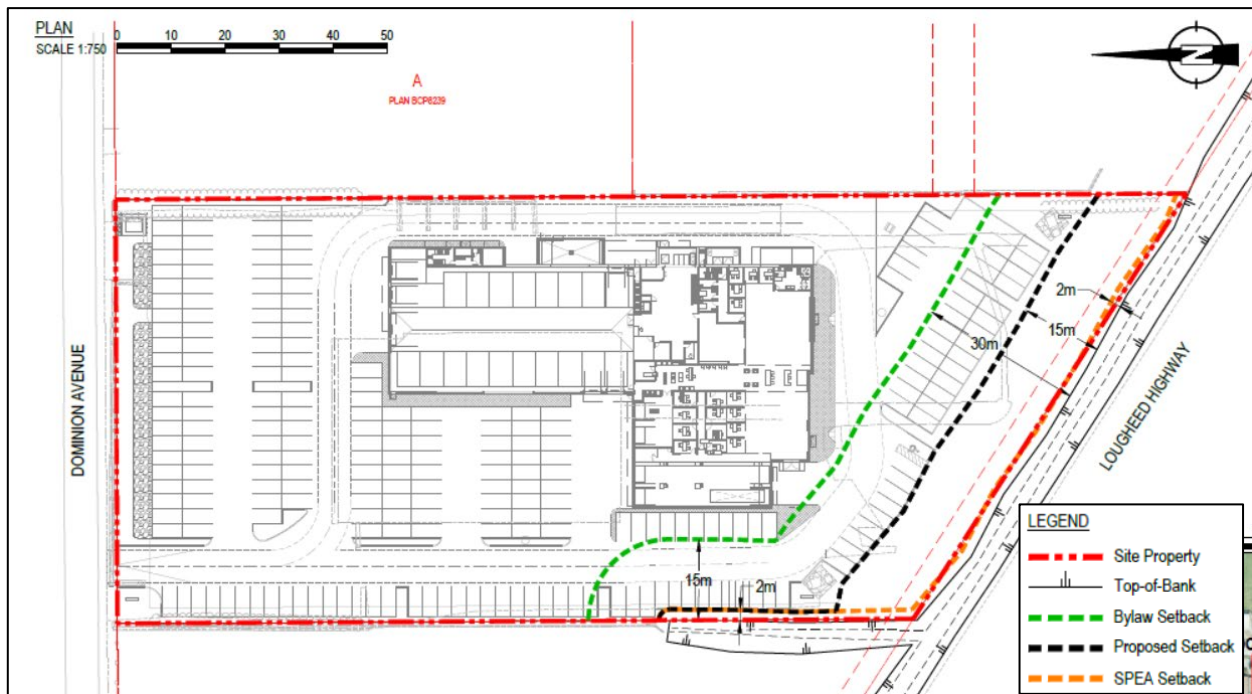
Lougheed Hwy Class A(O) watercourse



Class B watercourse

1300 Dominion Avenue – Rezoning Application

The Watercourse Protection Development Permit (DP) Area guidelines in the Official Community Plan prescribe a 30m wide watercourse protection area for the class A(O) and a 15m wide protection area for the class B watercourse measured from the watercourse top-of-bank. The development is also subject to the Provincial Riparian Area Protection Regulation (RAPR) which would potentially require a minimum 2m setback from the watercourse high watermark. The map below shows the prescribed watercourse protection area (green dashed line).



Map showing the watercourse protection area

The applicant provided an environmental report which assessed the development proposal and its conformance with the City's Watercourse Protection DP guidelines. This report proposes a 15m setback for the class A(O) and a 2m setback for the class B watercourse as shown on the image above (black dashed line). Through this development, the applicant would improve permeability in the setback area and enhance it with riparian planting. Further information on proposed watercourse protection and the enhancement plans would be provided to Committee in consideration of the Watercourse Protection Development Permit should the rezoning application proceed.

Trees: The applicant submitted an arborist report (Attachment 2) assessing the 51 existing trees on the site. These trees are primarily cypress hedges located along the periphery of the site along with 2 black cottonwoods, a vine maple, a birch and a sweet gum. None of these trees meet the Tree Bylaw's definition of significant tree. The proposed development requires removal of all onsite trees as they will be impacted by the filling of the site to meet the flood construction level.

The applicant is proposing to plant 89 new trees which includes 29 in or adjacent to the parking areas and 60 in the watercourse protection area. The landscape plan also proposes a mixture of 785 shrubs, 145 grasses, 114 perennials and 219 ground cover plants with an additional mixture of 717 shrubs and 366 ground cover plants in the watercourse protection area. The landscape plans will be confirmed and secured through issuance of the development permits.

Off-site Infrastructure and utilities: This project requires relatively minor infrastructure and service upgrades to meet standards of the subdivision servicing bylaw and adequately service the proposed development. These include new water, sanitary and storm sewer service connections, removing and repairing driveway letdowns, resurfacing Dominion Avenue ½ road, and confirmation street lighting meets bylaw standard.

DISCUSSION

The OCP and additional City policies establishes how the community is intended to develop, designates lands for uses in keeping with these policies and provides guidance on the types of land use the City should encourage. The site Highway Commercial OCP land use designation supports consideration of the proposed District Commercial zone and is in keeping with economic policy to support business and generate employment opportunities in the community. The proposed redevelopment of the site will also result in the demolition of the existing buildings removing the non-compliance with the building code resolving outstanding safety concerns.

The proposal also provides information in response to sites watercourse protection area designation and recommends improvements to enhance the riparian area in support of a proposed reduction to the watercourse setback. The proposed setback would be in keeping with others approved along the Lougheed Highway corridor and would be further considered by Committee if the rezoning is successful.

It is staff's opinion that the proposal is aligned with established direction in the OCP. Staff recommend the proposal be supported with the following provisions:

- 1) The site be rezoned to the District Commercial zone to permit highway oriented commercial land uses.
- 2) The existing buildings be demolished to allow for the Section 57 notice to be removed from title.
- 3) Securing off-site infrastructure works and services to service the new development.

FINANCIAL IMPLICATIONS


This property is currently assessed at just over \$4 million due to its partial farm status. Once rezoned and new commercial development takes place, it is anticipated that there will be an increase in property tax revenue.

1300 Dominion Avenue – Rezoning Application

Public Consultation

Development signs have been posted to face both Dominion Avenue and Lougheed Highway and provide notification of the rezoning application. To date, no comments from the public have been received. The public hearing would provide a formal opportunity for Council to hear comment on the amendments.

OPTIONS (✓ = Staff Recommendation)

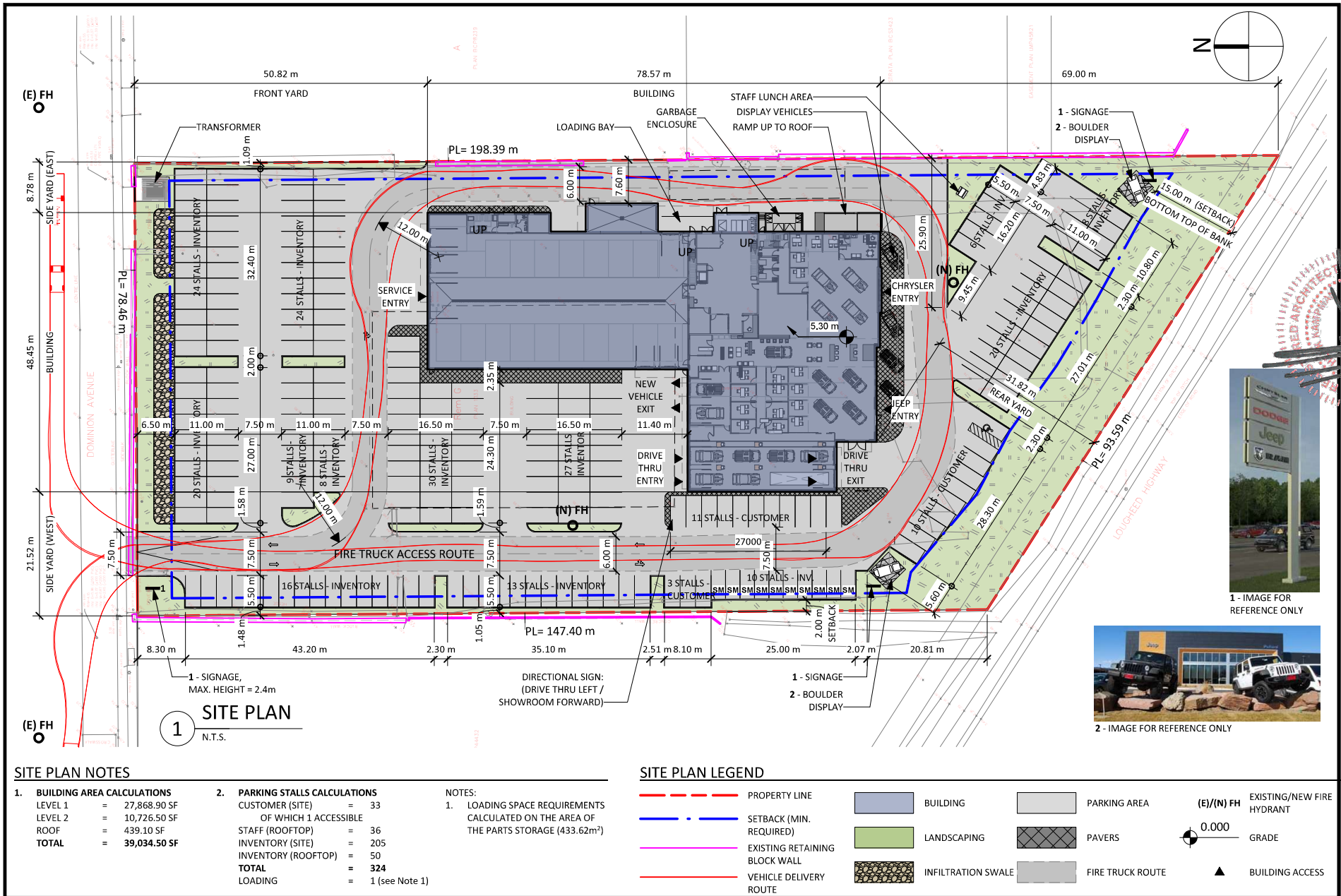
	#	Description
	1	Recommend to Council that the Zoning Bylaw amendment be considered for approval.
	2	Request additional information, amendments to the application, changes to recommended conditions of prior to forwarding the application to Council.
	3	Recommend to Council that the application be refused.

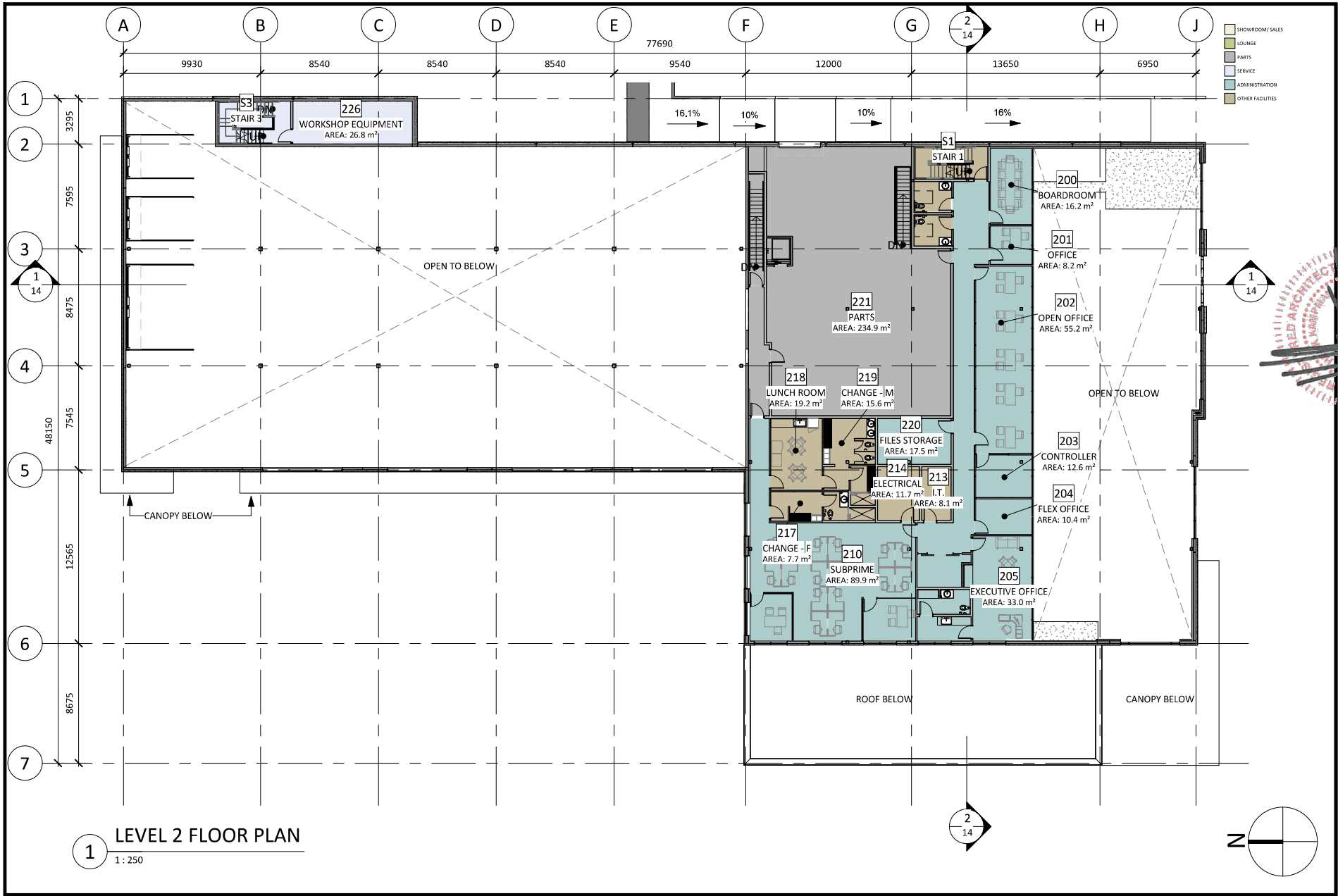
ATTACHMENTS

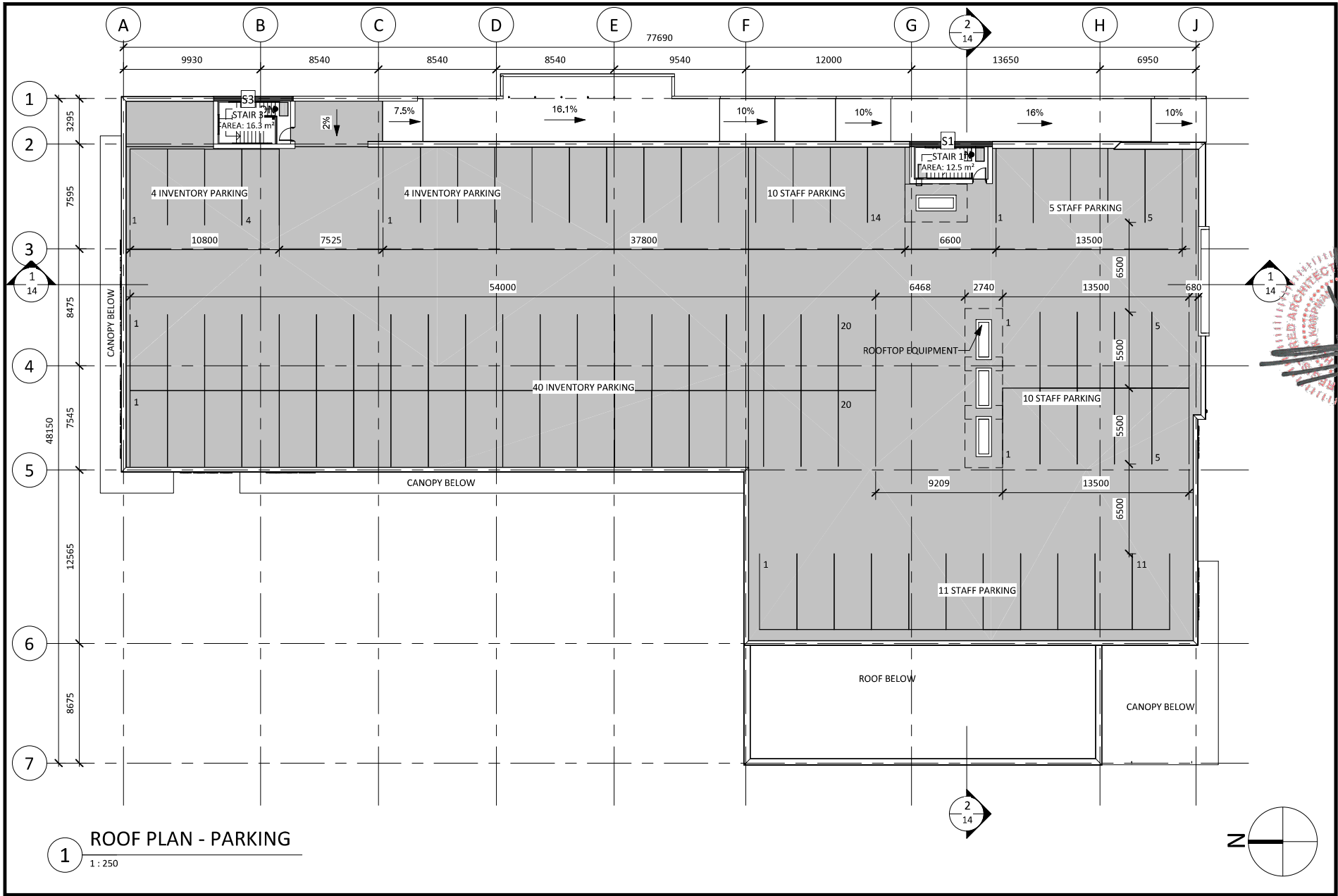
Attachment #1: Architectural concept drawings

Attachment #2: Landscape architectural concept drawings

Lead author: Bryan Sherrell







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Issued For:
RE-ZONING / DP R1

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Sheet Number: 11

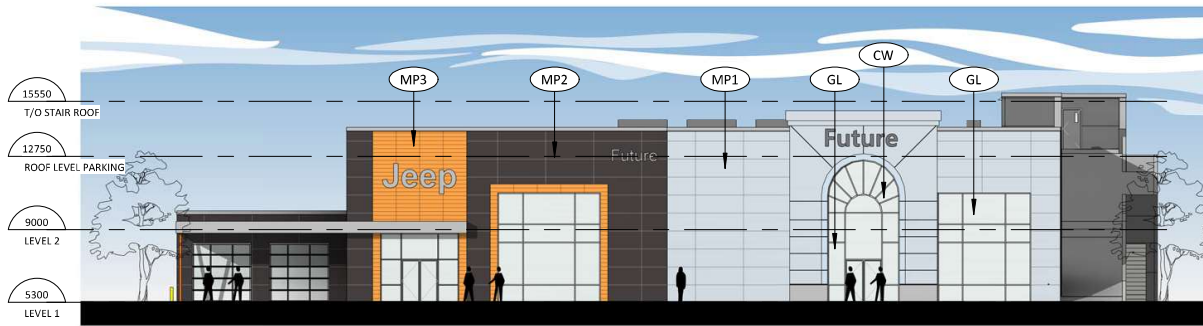
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3000 COQUITLAM AVE
PORT COQUITLAM, BC

Drawing: ROOF PLAN - PARKING

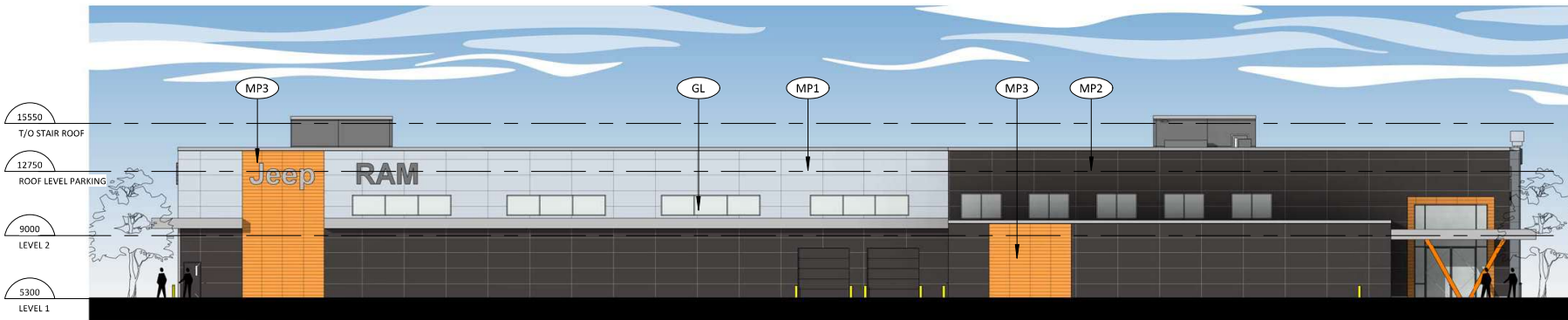
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2020-09-24

FILE NAME: C:\Users\jhp\Documents\200808\Port Chrysler - Central\2020_ArchPlan.dwg
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1 SOUTH ELEVATION
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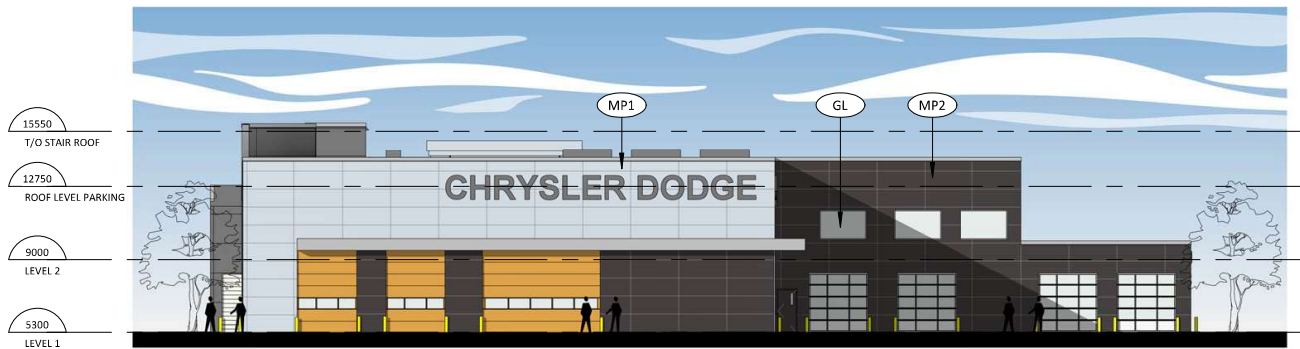


2 WEST ELEVATION
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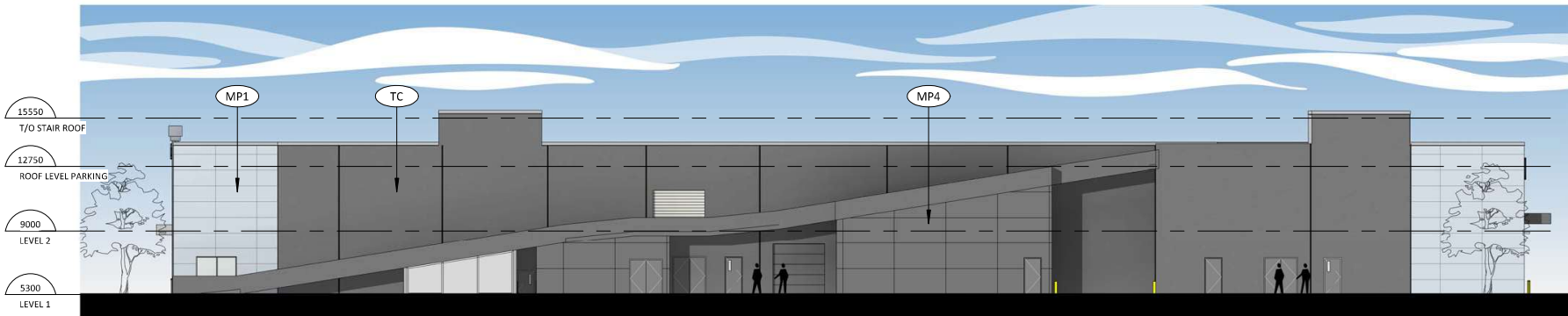
ELEVATION MATERIAL LEGEND

- MP1 KINGSKAN METAL PANEL - SILVER
- MP2 KINGSKAN METAL PANEL - CHARCOAL
- MP3 KINGSKAN METAL PANEL - CEDAR
- MP4 KINGSKAN METAL PANEL - CONCRETE GREY
- TC TILT-UP CONCRETE SANDWICH PANEL
- GL DOUBLE GLAZED WINDOW PANELS
- CW ALUMINUM CURTAIN WALL KAWNEER

NOTE: SIGNAGE NOT SUBJECT TO CURRENT DP APPLICATION, SHOWN FOR REFERENCE ONLY



1 NORTH ELEVATION
1 : 250



2 EAST ELEVATION
1 : 250

ELEVATION MATERIAL LEGEND

- MP1 KINGSKAN METAL PANEL - SILVER
- MP2 KINGSKAN METAL PANEL - CHARCOAL
- MP3 KINGSKAN METAL PANEL - CEDAR
- MP4 KINGSKAN METAL PANEL - CONCRETE GREY
- TC TILT-UP CONCRETE SANDWICH PANEL
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NOTE: SIGNAGE NOT SUBJECT TO CURRENT DP APPLICATION, SHOWN FOR REFERENCE ONLY

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2	2020/09/24	11:20:00 AM	DP

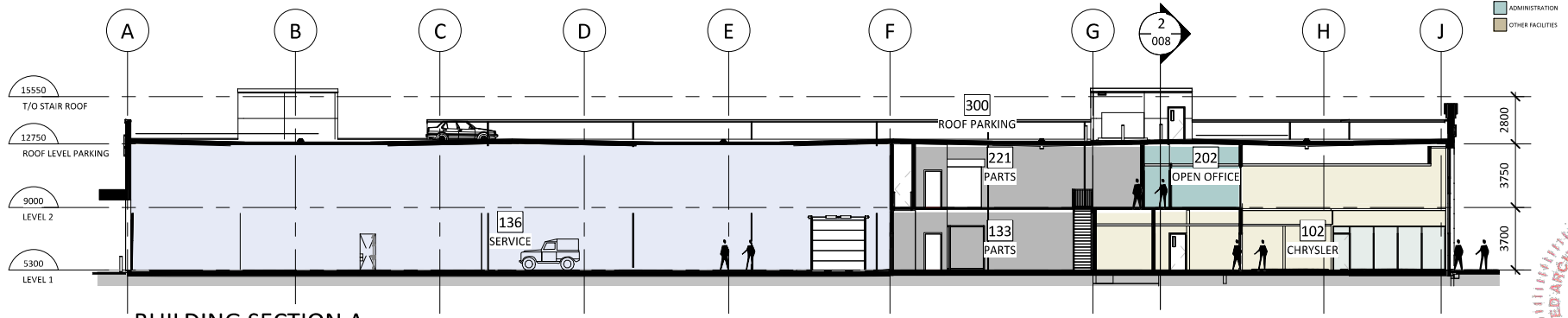
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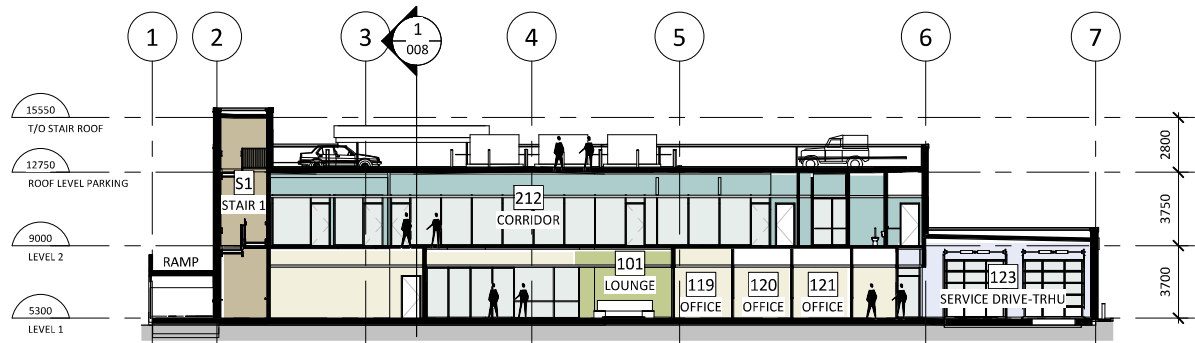
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Sheet Number 13	Drawing ELEVATIONS

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BUILDING SECTION A

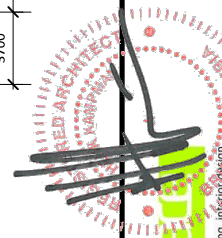
1 : 250



BUILDING SECTION B

1 : 250

- SHOWROOM/SALES
- LOUNGE
- PARTS
- SERVICE
- ADMINISTRATION
- OTHER FACILITIES



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Mark Edwards, Architect B.C., A.A.
Ray Wain, Architect B.C.

Project Number	200808	Project	PORT COQUITLAM CHRYSLER
Sheet Number	14	Drawing	BUILDING SECTIONS

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VIEW FROM LOUGHEED HIGHWAY



VIEW FROM DOMINION AVE

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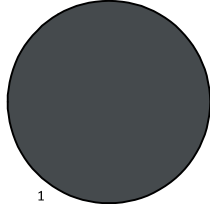
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2020-09-24

Project Number 200808	Project PORT COQUITLAM CHRYSLER 3000 COQUITLAM AVE PORT COQUITLAM, BC
Sheet Number 15	Drawing 3D RENDERINGS

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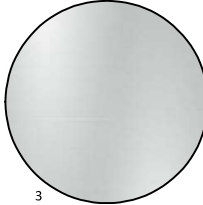
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CHARCOAL



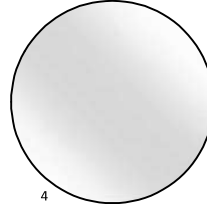
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CEDAR



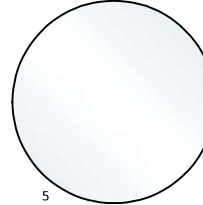
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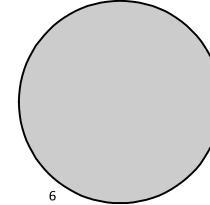
MP1 - KINGSPAN METAL
PANEL - SILVER



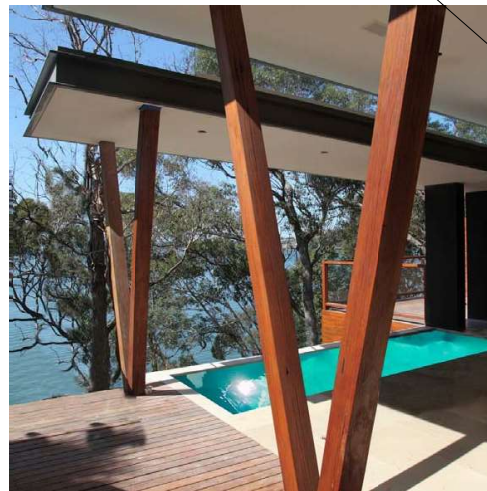
GL - CLEAR GLAZING



CW - ALUMINUM CURTAINWALL
SYSTEM



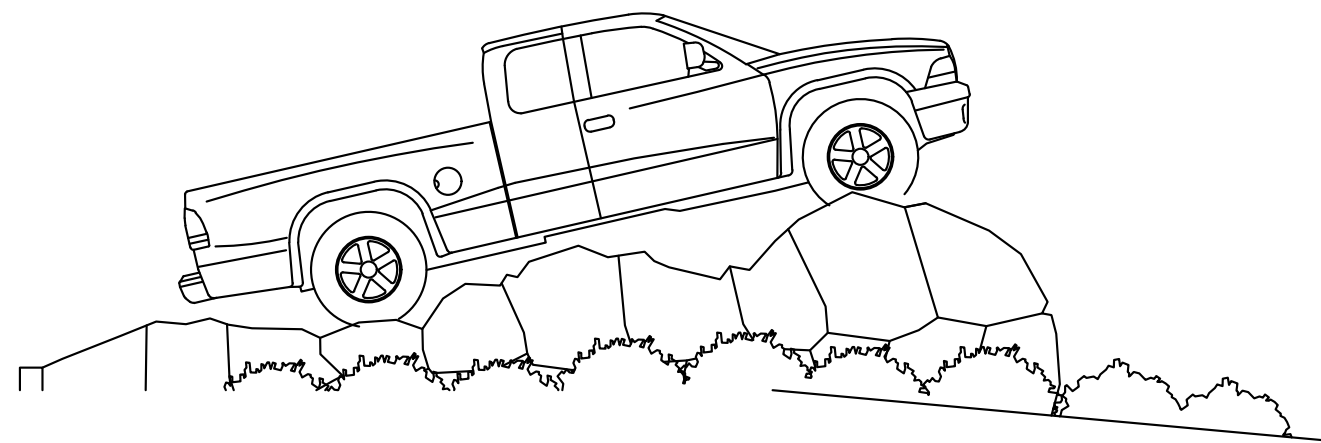
JOHN AMATO CHRYSLER DODGE JEEP RAM OF MILWAUKEE
IMAGE FOR REFERENCE ONLY
SOURCE: <https://www.yelp.com/>



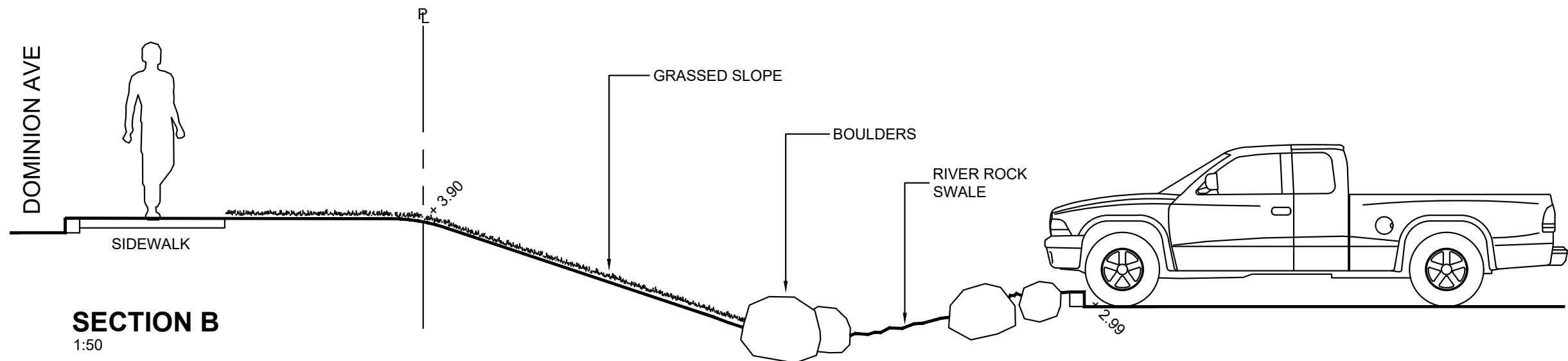
KANGAROO POINT HOUSE - DMJ DESIGN STUDIO
IMAGE FOR REFERENCE ONLY TO SHOW CANOPY DESIGN INTENT
SOURCE: <https://www.archdaily.com/>



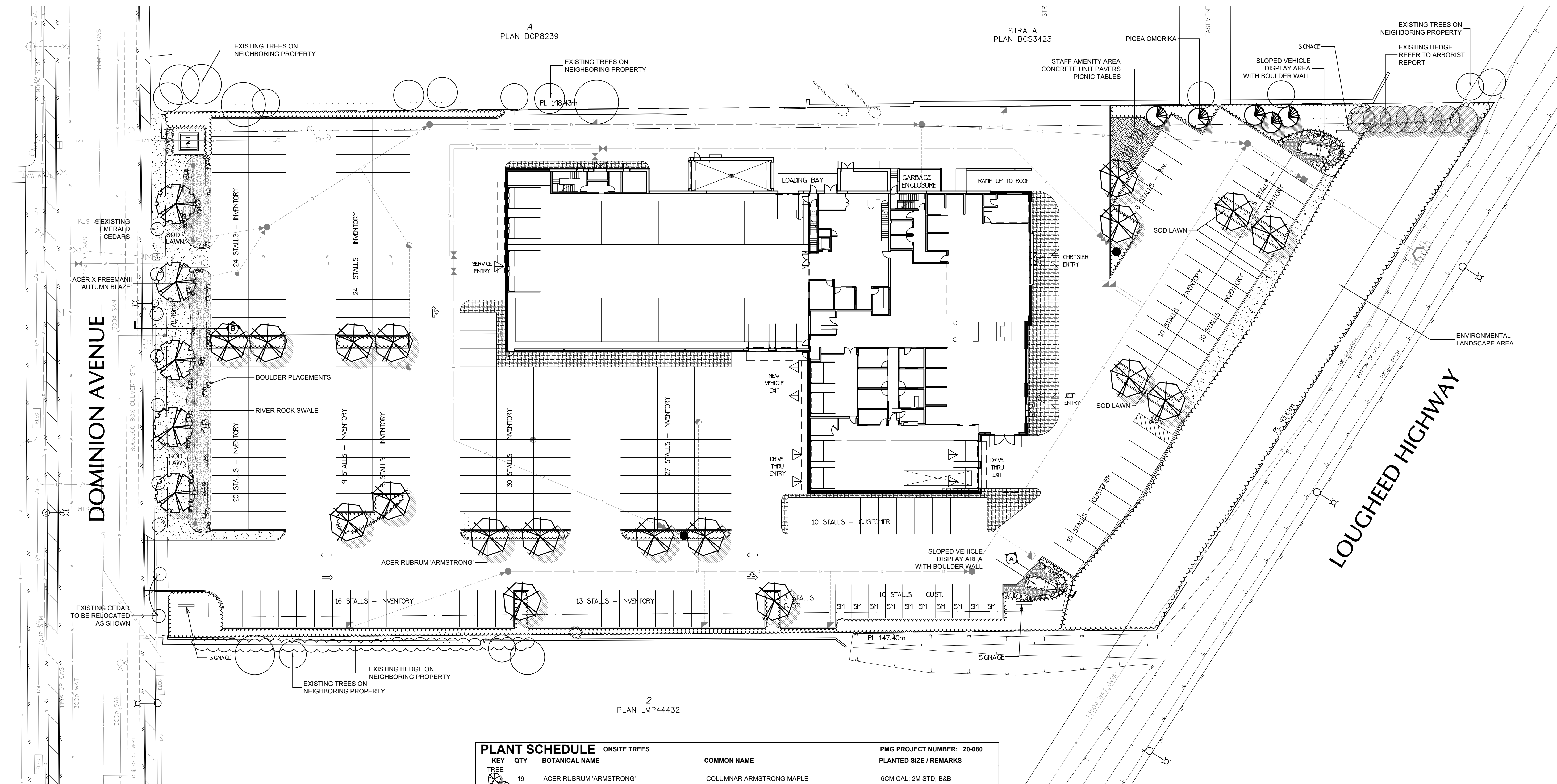
JOHN AMATO CHRYSLER DODGE JEEP RAM OF MILWAUKEE
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SOURCE: <https://www.yelp.com/>



VEHICLE DISPLAY ELEVATION
SECTION A



SECTION B
1:50



PLANT SCHEDULE				ONSITE TREES		PMG PROJECT NUMBER: 20-080	
KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS			
TREE							
	19	ACER RUBRUM 'ARMSTRONG'	COLUMNAR ARMSTRONG MAPLE	6CM CAL; 2M STD; B&B			
	5	ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	7CM CAL; 1.8M STD; B&B			
	5	PICEA OMORIKA	SERBIAN SPRUCE	2.5M HT; B&B			

NOTES: * PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. CONTAINER SIZES SPECIFIED AS PER CNLA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. * REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. * SEARCH AND REVIEW: MAKE PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. * SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD - DEFINITION OF CONDITIONS OF AVAILABILITY. * ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. * ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY. * BIO-SOLIDS NOT PERMITTED IN GROWING MEDIUM UNLESS AUTHORIZED BY LANDSCAPE ARCHITECT.

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Suite C100 - 4185 Still Creek Drive
Burnaby, British Columbia, V5C 6G9
p: 604 294-0011 ; f: 604 294-0022

SEAL:

3	20.SEP.17	NEW SITE PLAN / CITY COMMENTS	DO
2	20.AUG.20	NEW SITE PLAN / CLIENT COMMENTS	DO
1	20.JUL.13	CLIENT COMMENTS	MM

NO. DATE REVISION DESCRIPTION DR.

CLIENT:

PROJECT:

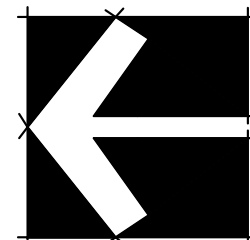
POCO CHRYSLER

**1300 DOMINION AVE
PORT COQUITLAM, BC**

DRAWING TITLE:

**LANDSCAPE
PLAN**

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DESIGN:	DO		
CHK'D:	MCY		



L1

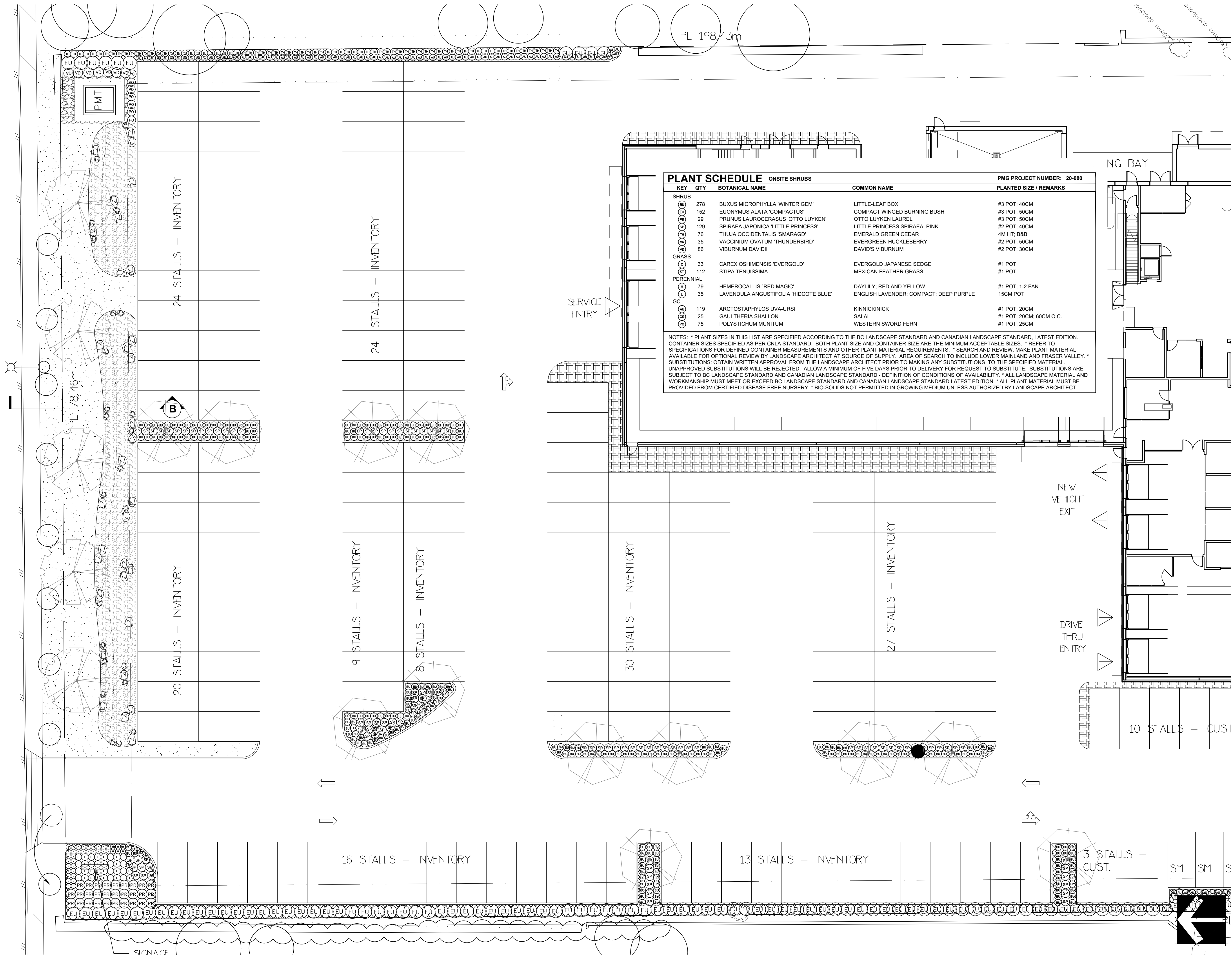
OF 3

20080-4.ZIP

PMG PROJECT NUMBER:

20-080

DOMINION AVENUE



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SEAL:

3	20.SEP.17	NEW SITE PLAN / CITY COMMENTS	DO
2	20.AUG.20	NEW SITE PLAN / CLIENT COMMENTS	DO
1	20.JUL.13	CLIENT COMMENTS	MM

NO. DATE REVISION DESCRIPTION DR.

CLIENT:

PROJECT:

POCO CHRYSLER

**1300 DOMINION AVE
PORT COQUITLAM, BC**

DRAWING TITLE:

**LANDSCAPE
SHRUB PLAN**

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DESIGN: DO
CHK'D: MCY

L2

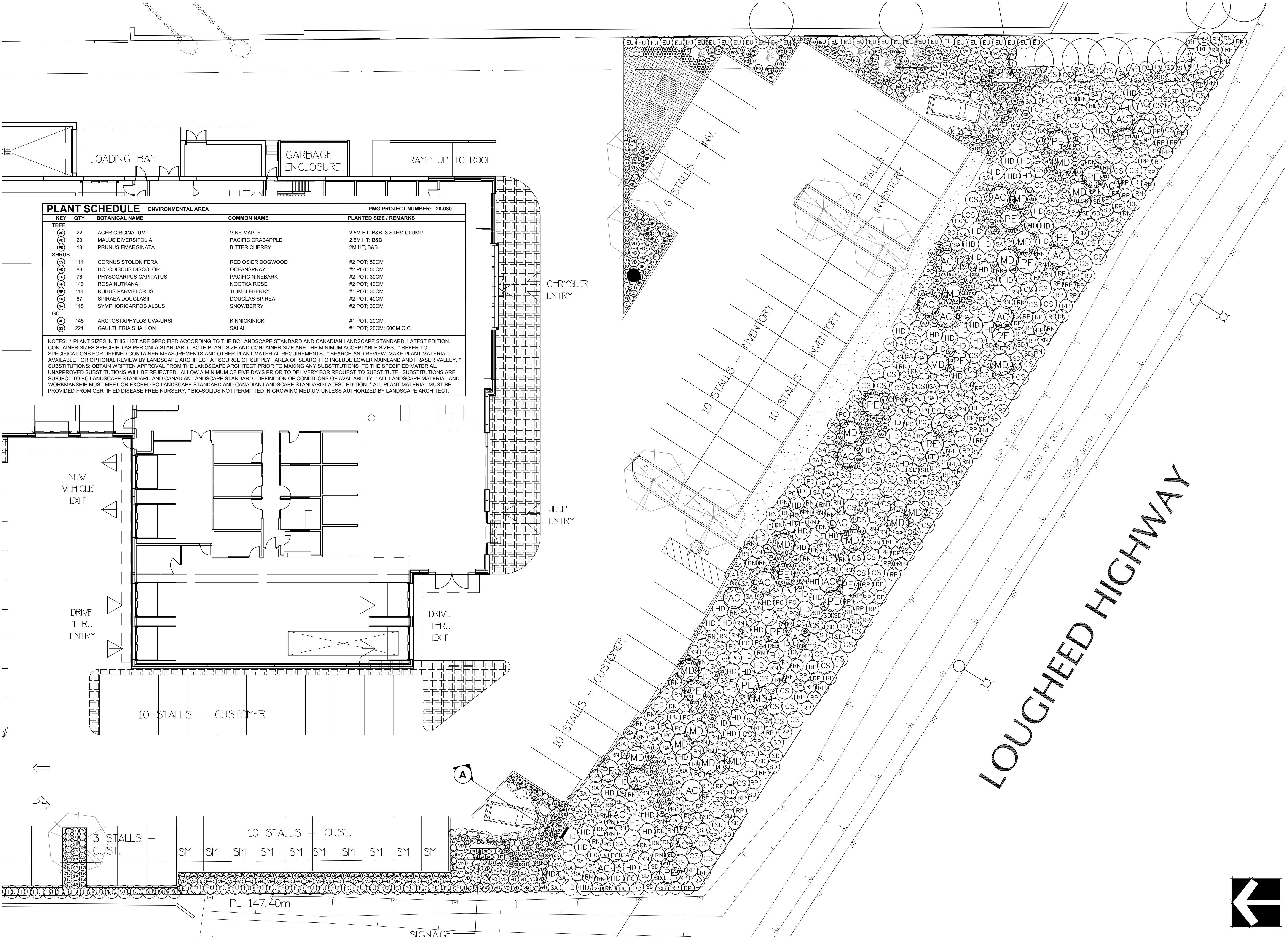
OF 3

PMG PROJECT NUMBER:

20-080

20080-4.ZIP

18



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SEAL:

3	20.SEP.17	NEW SITE PLAN / CITY COMMENTS	DO
2	20.AUG.20	NEW SITE PLAN / CLIENT COMMENTS	DO
1	20.JUL.13	CLIENT COMMENTS	MM

NO. DATE REVISION DESCRIPTION DR.

CLIENT:

PROJECT:

POCO CHRYSLER

**1300 DOMINION AVE
PORT COQUITLAM, BC**

DRAWING TITLE:

**LANDSCAPE
SHRUB PLAN**

DATE: 20.JUL.02 DRAWING NUMBER:
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DRAWN: DO
DESIGN: DO
CHK'D: MCY

L3

OF 3

PMG PROJECT NUMBER:

20-080

20080-4.ZIP

19

1752 and 1758 Salisbury Avenue – Request for Extension

RECOMMENDATION:

That Committee of Council extend the date of expiry for adoption of Zoning Amendment Bylaw No. 4154 to January 14, 2022.

PREVIOUS COUNCIL/COMMITTEE ACTION

At the Council meeting on January 14, 2020, the following motion was passed:

- a. The zoning of 1752 and 1758 Salisbury Avenue be amended from RS1 (Residential Single Dwelling 1) to RTh3 (Residential Townhouse 3);
- b. That prior to adoption of the amending bylaw, the following conditions be met to the satisfaction of the Director of Development Services:
 - i. Installation of protective fencing for trees to be retained on adjoining properties;
 - ii. Payment in the amount of \$5000 for offsite tree replanting;
 - iii. Demolition of the existing buildings and verification that the site is free of rodents prior to demolition permit issuance;
 - iv. Consolidation of the two lots;
 - v. Completion of design and submission of securities and fees for off-site works and services, including reconstruction of the lane to connect with the improved portion to the east, upgrading the existing watermain on Salisbury Avenue between the west edge of the property and Wellington Street with a 200mm watermain; and
 - vi. Registration of a legal agreement to require the project to achieve a minimum energy efficiency of Step 3 of the BC Energy Step Code.

REPORT SUMMARY

This report describes a request to extend the expiry date of Zoning Amendment Bylaw No. 4154. There are no issues identified in the report with respect to extending the one year deadline for bylaw adoption and approval is recommended.

BACKGROUND

On January 14, 2020, Council gave 3rd reading to a zoning bylaw amendment to rezone the property at 1752 and 1758 Salisbury Avenue from RS1 (Residential Single Dwelling 1) to RTh3 (Residential Townhouse 3) to facilitate a 9-unit townhouse development.

The Development Procedures Bylaw requires adoption of an amending bylaw within one year; the Delegation of Authority Bylaw provides the Committee of Council with authority to issue time extensions for Council consideration of adoption of a Zoning Bylaw amendment for a period of up to one year from the initial one-year period. The applicant is unable to complete the required conditions of bylaw adoption by January 14, 2021 and has requested a one-year extension.

1752 and 1758 Salisbury Avenue – Request for Extension


DISCUSSION

The applicant advises COVID-19 has impacted their ability to meet the required conditions prior to the January 14, 2021 expiry. To date, they have installed protective tree fencing, submitted \$5000 for offsite tree planting, and submitted demolition permit applications and plans for offsite works and services for review. The developer remains committed to the project and the site remains secure as it awaits redevelopment. There have been no changes in policy or regulations that would impact the site and staff recommend approval of the requested extension.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Approve the requested time extension.
	2	Not approve the extension. If this decision is made, then the applicant may request that Council consider the requested extension.

ATTACHMENTS

None.

Lead author: Bryan Sherrell

RECOMMENDATION:

That Committee of Council extend the date of expiry for adoption of Zoning Amendment Bylaw No. 4145 to October 8, 2021.

PREVIOUS COUNCIL/COMMITTEE ACTION

At the Council meeting on October 8, 2019, the following motion was passed:

- 1) That Council give Zoning Amendment Bylaw No. 4145 for 1021 Prairie Avenue third reading.

At the Committee of Council meeting September 10, 2019 the Committee recommended to Council that:

- 1) That the zoning of 1021 Prairie Avenue be amended from RS1 (Residential Single Dwelling 1) to RD (Residential Duplex).
- 2) That prior to adoption of the amending bylaw, the following conditions be met to the satisfaction of the Director of Development Services:
 - (a) Demolition of the building;
 - (b) Submission of a security to ensure tree retention in the amount of \$1,000;
 - (c) Completion of design and submission of securities and fees for off-site works and services, including construction of the lane from Finley Street;
 - (d) Registration of a legal agreement to provide a 6m x 6m right-of-way for vehicles to turn around on the site; and,
 - (e) Registration of a legal agreement to restrict secondary suites.

REPORT SUMMARY

This report describes a request to extend the expiry date of Zoning Amendment Bylaw No. 4145. There are no issues identified in the report with respect to extending the one year deadline for bylaw adoption and approval is recommended.

BACKGROUND

On October 8, 2019 Council gave third reading to a zoning bylaw amendment to rezone the property at 1021 Prairie Avenue from RS1 (Residential Single Dwelling 1) to RD (Residential Duplex).

The Development Procedures Bylaw requires adoption of an amending bylaw within one year; the Delegation of Authority Bylaw provides the Committee of Council with authority to issue time extensions for Council consideration of adoption of a Zoning Bylaw amendment for a period of up to one year from the initial one-year period. The applicant is unable to complete the required conditions of bylaw adoption by October 8, 2020 and has requested a one-year extension.


DISCUSSION

The applicant advises that a combination of personal matters and financial pressure due to COVID-19 impacted their ability to meet the required conditions prior to the October 8, 2020 expiry. To date, none of the third reading conditions have been satisfied. The site remains occupied and well-kept as it awaits redevelopment. There have been no changes in policy or regulations that would impact the site and staff recommend approval of the requested extension.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Approve the requested time extension.
	2	Not approve the extension. If this decision is made, then the applicant may request that Council consider the requested extension.

Lead author(s): Graeme Muir

RECOMMENDATIONS:

That Committee of Council direct staff to prepare amended bylaws to incorporate the changes outlined in the report.

PREVIOUS COUNCIL/COMMITTEE ACTION

On January 29, 2019, Committee of Council directed staff to provide a report outlining a strategy to achieve a tree canopy target of 30%, with a variety of options to achieve the target, including recommended changes to the tree bylaw and city budget, before making a decision on amending the Official Community Plan.

On February 26, 2019, Council rescinded Tree Bylaw 2005, No 3475 and adopted Tree Bylaw 2019, No. 4108.

REPORT SUMMARY

In order to ensure that the Tree Bylaw is functioning as intended and that any implementation challenges are addressed, a staff working group from the Parks, Planning and Environment divisions was assembled to conduct a review of the bylaw. This report summarizes issues identified by the working group and proposes changes in order to address gaps in the existing bylaws. Based on feedback given by the working group, and informal feedback provided by residents during the permitting process, this report recommends amendments to two bylaws: Tree Bylaw No. 4108 and Bylaw Notice Enforcement No. 3184. The report concludes with the next steps in tree preservation in the City of Port Coquitlam.

BACKGROUND

In 2017, the City embarked on a review of its tree regulations to respond to concerns raised by the public with respect to retention of the tree canopy, cutting of valued trees, and the City's management of its urban forest.

The review included an extensive public consultation program entitled 'Let's Talk Trees,' which sought to better understand public expectations for how the City manages its trees. The consultation outcomes indicated that the community would support more rigorous measures to protect trees and require additional tree planting. Therefore, Committee supported changes that would not only better retain existing trees, but also require more tree planting to increase the total number of trees. As a result of this direction, the new Tree Bylaw 2019 No. 4108 was developed and adopted as a regulatory tool February 26, 2019.

DISCUSSION

The new bylaw has now been in place for over a year, and staff involved in the administration of the bylaw have noted the success of the bylaw in clarifying the permitting process and expanding protections for the City's trees. Staff have also noted opportunities to improve the bylaw.

Successes of the Tree Bylaw

As a result of the bylaw, more trees in the City of Port Coquitlam have been protected, requiring replanting or cash-in-lieu when cut down. Larger trees, now considered "significant," cannot be cut down, except in certain circumstances. Because of these new restrictions for significant trees, we know that fewer trees with large canopies are being cut which helps to protect our existing tree canopy cover. Under the new bylaw, staff estimate that 25% of tree cutting permit applications are for trees with a diameter of 60cm or greater. These permit applications are now denied except for building and development purposes or if the tree is dead or dying as confirmed by an independent Arborist report. Additionally, since the implementation of the Tree Bylaw, the City has collected \$24,000 in cash-in-lieu for replanting.

Challenges of the Tree Bylaw

Since the implementation of the Tree Bylaw, staff have identified several opportunities to refine the bylaw in a way that provides additional clarity around the tree cutting permit process and tree cutting restrictions, and further protects existing trees which will help the City retain tree canopy. The Bylaw updates reflect both staff observation and experience, as well as comments and concerns expressed to staff by residents going through the permitting process. The recommended changes to the bylaw include increasing clarity of regulations, addressing loopholes related to replanting requirements, and a more expansive significant tree definition.

Recommended Amendments to Tree Bylaw No. 4108

The main update proposed to the bylaw is to lower the minimum size of a significant tree from 60 cm diameter at breast height (DBH) to 45 cm DBH. This change is proposed in order to ensure that more trees meet the criteria for a significant tree and will thus require a rationale for removal before a tree cutting permit is issued. However, trees considered 'significant' but that are between 45 cm and 59 cm DBH are not proposed to be subject to the requirement to replant two trees for each significant tree removed; this provision would continue to only apply to significant trees 60 cm DBH or larger. This will help to keep the focus on retaining existing trees rather than replanting and will ensure homeowners are not overly burdened financially by being required to pay double the existing bond amount. In addition, trees of this size range may have very large canopies and the retention of these trees is important when considering the health of Port Coquitlam's tree canopy. Other updates to the bylaw are primarily intended to close gaps identified by staff.

The issues and proposed amendments are summarized in the Table 1 below and can be viewed in a redline of the updated Bylaw included as Attachment 1.

Tree Bylaw Amendments

Table 1 - Recommended Amendments to Tree Bylaw No. 4108

Issue	Proposed Update(s)
<p>1. The bylaw does not currently require property owners to provide specific rationale for cutting a tree that is smaller than 60 cm DBH (the current minimum size of a significant tree.) This results in certain tree species that may never reach 60 cm DBH being removed unnecessarily and reducing tree canopy coverage.</p>	<ul style="list-style-type: none"> Amend the threshold for significant tree outlined in Schedule A of the Bylaw to include trees that are greater than or equal to 45 cm DBH. This will make the Port Coquitlam Tree Bylaw one of the most inclusive in the region as far as defining what is considered a significant tree. However, it is recommended that significant trees between 45 cm and 59 cm not be subject to the requirement to replant two trees for each significant tree removed.
<p>2. The current tree definition is ambiguous and can allow for undesirable situations such as using hedge species as replacement trees.</p>	<ul style="list-style-type: none"> Amend the definition of “tree” and include a new definition of “hedge” in order to reduce ambiguity and ensure hedge species are not used as a replacement tree.
<p>3. The current wording of the bylaw creates ambiguity and confusion around the removal of hazardous trees by stating that a permit is not required to remove a hazardous tree, and then subsequently listing the process for applying for a permit for a hazardous tree.</p>	<ul style="list-style-type: none"> Amend bylaw language to clarify the process for applying for a permit for a hazardous tree.
<p>4. Our current bylaw is inconsistent with provincial and federal regulations regarding nesting season.</p>	<ul style="list-style-type: none"> Refer to provincial and federal regulations in the bylaw
<p>5. Staff have identified certain additional scenarios where a tree cutting permit should be refused by the Parks Section Manager.</p>	<ul style="list-style-type: none"> Update the bylaw to specify that a tree cutting permit may be denied if cutting the tree adversely affects property owned or held by the City or if the tree is located in a Development Permit Area where hazardous conditions such as steep slopes are present and the removal of the tree would impact slope stability.
<p>6. Currently, a tree cutting permit can be issued for a significant tree when the</p>	<ul style="list-style-type: none"> Update the bylaw language to specify that removing a significant tree for construction

Tree Bylaw Amendments

Issue	Proposed Update(s)
Parks Section manager determines that cutting is necessary for the construction of off-street parking or the construction of roads or services. This has been identified by staff as problematic since the off-street parking allowance is not restricted.	of off-street parking or roads and services only be considered as justification for tree removal if consistent with required off-street parking as per the Parking and Development Management Bylaw No. 4078 and required roads and services as per the Subdivision Servicing Bylaw No. 2241. (I.e. choosing to build parking in excess of the requirements should not be a reason to remove trees)
7. The bylaw requires that a copy of the tree cutting permit issued be posted in a visible place at the front of the lot but does not specify a duration of time for posting.	<ul style="list-style-type: none"> Add a required posting period of two weeks following tree removal to the bylaw.
8. The bylaw states that no replacement tree is required where the tree removed is within 5 meters of another tree, but does not specify that the two trees need to be on the same property.	<ul style="list-style-type: none"> Currently if a tree removal is within 5m of a tree on a neighboring property a replacement is not required. This provision requires both trees in question to be on the same property.
9. The current bylaw does not establish timelines for planting replacement trees. Staff have observed that about a third of applicants take more than 6 months to complete the replacement tree planting or do not do so at all while the City continues to hold the bond indefinitely.	<ul style="list-style-type: none"> Amend the bylaw to establish a six-month period for owners to plant replacement trees, except in certain circumstances, and to create a mechanism for fining and forfeiting of the bond if timelines are not adhered to.
10. The process for rescinding a Stop Work Order where a tree has been cut or damaged in contravention of the bylaw is unclear.	<ul style="list-style-type: none"> Update language in bylaw to provide more detail as to how a Stop Work Order would be issued and rescinded.
11. Where a tree has been cut without a permit and removed from the lot, it is impossible to determine the size or significance of the tree.	<ul style="list-style-type: none"> Add a clause in the bylaw stating that any tree cut without a permit and removed from the lot will be treated as a significant tree and subject to the requirement to replant two trees for each significant tree removed.

In summary, the most significant change proposed is the lowering of the minimum significant tree size from 60 cm DBH to 45 cm DBH. This change makes the bylaw's definition of what constitutes

Tree Bylaw Amendments

a 'significant tree' among the strongest in the region and would ensure more trees in the City of Port Coquitlam are protected. Trees that do not meet the current minimum significant tree threshold of 60 cm but are 45 cm or larger still contribute in a meaningful way to the City's tree canopy. For this reason, it is important that these trees be recognized as significant and subject to additional considerations during the tree cutting permit application process. To get a better idea of how many more trees would be protected by including 45-59cm DBH trees as significant, staff analyzed a sample of 112 requests to remove trees. Of those 112 permit applications 67 were requests pertaining to trees under 45 cm, 28 were trees over 60 cm, and 17 were trees between 45 cm and 59 cm. With the current 60cm significant classification 25% of the trees were protected as significant. With expanded significant classification to 45cm, 40% of the trees would have been protected as significant.

Although the public consultation in 2017 did not specifically ask about what size of tree should be considered significant, over 80% of respondents indicated that the age of the tree and the size of the tree were indications of a tree's significance. Further, 59% of respondents believed that the City should offer incentives to encourage property owners to retain significant trees signalling to staff that a majority of residents would like to see additional efforts made to protect larger and older trees.

Expanding the definition of a significant tree will create additional barriers to tree removal, which will help retain existing canopy and supports policy 7.4 in the official community plan and strategic direction 5 of the Environmental Strategic Plan discussed in more detail below.

In addition to the amendments listed above, staff suggest that an update be made to the table in Schedule B of the bylaw in order that it be aligned with the current Tree Bylaw regarding the minimum protected tree diameter of 15 cm.

Recommended Amendments to Bylaw Notice Enforcement No. 3184

Based on staff feedback, the penalty structure for fines issued under the Tree Bylaw has been updated to mirror the penalty structure for other similar bylaws, with a reduced fine for early payment and a full payment should the fine not be collected within 14 days. Staff is recommending a universal discount rate of 20% be applied for prompt payment, rather the full payment amounts for most violations has been raised to \$500 to reflect the significance of unlawfully damaging or removing trees. Increasing fines for damaging trees and moving to a full penalty of \$500 for the majority of violations will help preserve the health of existing trees and deter the unlawful removal of trees.

The proposed amendments are outlined in the table below, and can be viewed in the context of the full Bylaw Enforcement Notice in Attachment 2. All other fines associated with the Bylaw, if paid within 14 days, have not changed.

Tree Bylaw Amendments

Table 2 - Recommended Amendments to Bylaw Notice Enforcement No. 3184

Fine Description	Current Penalty	Proposed Penalty (discounted)	Proposed Penalty (no discount)	Rationale
1. Damaging or allowing a tree to be damaged without permit (tree other than a significant or heritage tree)	\$200	\$320	\$400	Damaging a tree should have more significant fines to deter property owners from damaging trees. This protects the health of the tree and reduces the risk that the tree will become a hazard.
2. Damaging or allowing a tree to be damaged without permit (Significant tree other than a heritage tree)	\$350	\$400	\$500	Same as above.
3. Failure to Comply with a Stop Work Order	-	\$400	\$500	The current bylaw does not have language that provides authority to fine owners for ignoring a Stop Work Order, reducing the effectiveness of this tool. A fine should encourage compliance with Stop Work Orders. The fine is set to the same amount as the equivalent fine in the Building and Plumbing Bylaw.

Official Community Plan

The OCP Environment & Parks policies (section 7.4) provide high-level direction to staff with respect to implementing programs that help the community achieve its environmental goals over the long term. Particularly, section 7.4 (Policy 8) states that the City will “promote the preservation and planting of trees through DPAs and development control, road infrastructure projects, and the Tree Protection Bylaw.” The recommended revisions to the Tree Bylaw will provide staff the tools

needed to more effectively preserve existing trees and plant replacements when trees are removed.

Environmental Strategic Plan

The Environmental Strategic Plan Green Strategic Direction 5 is to “protect and sustainably manage the urban forest”. This statement recognizes the importance of trees; urban trees provide substantial value to the social, environmental, and economic imperatives of sustainability. The Plan recognizes many of the benefits of urban trees and increasing our ability to effectively protect trees from unnecessary harm and removal aligns with Green Strategic Direction 5.

NEXT STEPS

The following items have been identified as next steps for tree protection and tree management in the City of Port Coquitlam.

Policy Development

Staff have identified that some of the challenges with implementing the Tree Bylaw would be better addressed through an accompanying City policy. The policy will be a staff administrative policy and will provide additional tools for clarification and support of the bylaw to allow for consistent decision making. This policy will be developed in Q1 2021 will include, at minimum, the following tools and policy language:

- Guidance on what species and size of trees are acceptable as part of a replacement plan.
- How to consider the appropriateness of the tree species for the site and its relationship to the development.
- Guidelines for what needs to be included in an arborist report and how these reports are reviewed and considered by staff.
- An approach to managing city trees that impact private property.
- Factors to be considered by the Parks Section Manager when approving tree replacement plans that propose cash in lieu under Section 7.7 of the bylaw.

Updated Tree Canopy Analysis

Council have requested staff report back with updated and current tree canopy coverage and propose options to achieve a target of 30%. Staff are finalizing the analysis and anticipate a report to Committee in Q4 2020.

Urban Forest Management Plan

The Urban Forest Management Plan will build upon the above noted work, and will include:

- Practices to manage and maintain the City's trees, including a list of preferred tree species that will be more resilient in successive years of drought due to climate change
- A tree canopy target and timeframe with tangible actions to achieve the target

Tree Bylaw Amendments

- Detailed, tangible actions to reach the identified canopy target
- An education and engagement plan for residents


As part of the Urban Forest Management Plan, resources will be developed to help end-users understand the expectations of the bylaw and how to be successful when accessing the program. These resources will likely be in the form of a Tree Handbook which will have both print and web-based formats. Accordingly, staff propose that PoCo branded communications form part of the scope of the upcoming Urban Forest Management Plan. This work is anticipated to begin in 2021.

FINANCIAL IMPLICATIONS

Between February 2018 and February 2019, before the current Tree Bylaw took effect, the City of Port Coquitlam collected \$10,765 in fees for tree cutting permits. During the Period from March 2019 to March 2020, with the current Tree Bylaw in effect, the City collected \$19,400 in fees for tree cutting and retained \$44,000 in deposits for replacement trees to be planted. Since the Bylaw took effect, fines for bylaw violations have totalled \$25,450. Fees and fine revenue will be used to offset the City's tree planting expenses and deposits are held separately to be reimbursed after replanting has occurred.

There are not expected to be any major financial impacts stemming from the updates proposed in this report. While penalties for bylaw violations are proposed to be increased, which may result in a small increase of revenue from fines, it is not the intent of the bylaw updates to increase overall revenue. The amendments proposed are intended to encourage compliance with the regulations and better protect existing trees.

OPTIONS

#	Description
1 	Direct staff to prepare amended bylaws to incorporate the changes outlined in the report.
2	Request additional information be considered in the proposed amendments.
3	Determine that it does not wish to make any changes to current policies and regulations.

Lead Author: Meghan Woods

Contributors: Clarissa Huffman, Doug Rose, Mike Por, Jennifer Little

ATTACHMENTS

Attachment 1. Redline of Tree Bylaw No. 4108 Amendments

CITY OF PORT COQUITLAM

TREE BYLAW, 2019

Bylaw No. 4108

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

- 1.1 This bylaw is cited as “Tree Bylaw, 2019, No. 4108 ”

2. REPEAL

- 2.1 City of Port Coquitlam Tree Bylaw, 2005, NO. 3474, as amended, is repealed.

3. INTERPRETATION

- 3.1 In this bylaw, unless the context indicates otherwise:

- (a) **Arborist Report** means a document indicating the location, species, diameter, height, habitat features, and condition, in addition to relevant site conditions (e.g. infrastructure, watercourses, floodplain, etc.) produced and signed by a certified arborist and/or qualified tree risk assessor, as applicable;
- (b) **Bylaw Enforcement Officer** means an individual designated as a Bylaw Enforcement Officer;
- (c) **Caliper diameter** means the width of the main stem of a juvenile tree, measured at a height of 15 cm above the root ball;
- (d) **Certified Arborist** means a person certified by the International Society of Arboriculture as an arborist;
- (e) **City** means the City of Port Coquitlam;
- (f) **Cut** or **Cutting** means the severing, or knowingly allow to be severed the trunk or stem of a tree;
- (g) **Damage** means to conduct, or to knowingly allow to be conducted:
 - (i) severing or harming the roots growing inside the root protection zone of a tree;

- (ii) placing fill, building materials or structure upon land inside the root protection zone of a tree;
- (iii) operating trucks, backhoes, excavators or other heavy inside the root protection zone of a tree;
- (iv) denting, gouging or harming the stem of a tree;
- (v) removing bark from a tree;
- (vi) depositing concrete washout or other liquid or chemical substances harmful to the health of a tree on land inside the root protection zone of a tree;
- (vii) adding or removing soil from land inside the root protection zone of a tree which changes the original soil grade;
- (viii) undermining the roots inside the root protection zone of a tree;
- (ix) pruning a tree in such a way that may cause the instability or death of the tree; or
- (x) topping a tree by removing the vertical stem and upper primary limbs of a tree;
- (h) **Development** means any building modification requiring a building permit from the City;
- (i) **Diameter** means the width of the stem(s) of a tree, such that:
 - (i) the diameter is the circumference of the stem of a tree measured 1.4 metres above natural grade, divided by 3.142;
 - (ii) where natural grade is sloped, diameter shall be measured 1.4 metres above the mid-point between high and low sides of the natural grade;
 - (iii) The diameter of a tree having multiple stems 1.4 metres above the natural grade shall be the sum of:
 - A. 100% of the diameter of the largest stem; and
 - B. 60% of the diameters of each additional stem;
- (j) **Drip line** means perimeter of the area directly beneath the ends of the outermost branches of a tree;

- (k) **Hazardous tree** means any tree which due to its condition, health or any other circumstances has been determined by a Qualified Tree Risk Assessor to present a hazard to the safety of persons, private property, or other tree(s);
- (l) **Hedge** means a set of trees, bushes, or shrubs grown closely together and pruned to form a fence or boundary. For the purposes of this bylaw, a hedge is not a tree.
- (m) **ISA** means International Society of Arboriculture;
- (n) **Location** of a tree means the point at which the main stem of a tree meets the ground;
- (o) **Lot** means a parcel of land registered in the Land Title Office and includes parcels created by bare land strata subdivision and common property shown on a strata plan;
- (p) **Parks Section Manager** means the person appointed by the City as Parks Section Manager and any duly authorized delegate of the Parks Section Manager;
- (q) **Owner** means in respect of a lot:
- (i) the registered owner;
 - (ii) the holder of the last registered agreement for sale;
 - (iii) a strata corporation if the lot is common property; or
 - (iv) an agent authorized in writing by the owner to act on the owner's behalf;
- (r) **Permit** means a permit issued by the City, including a building permit, demolition permit, development permit, development variance permit, heritage alteration permit, soil removal and deposit permit, temporary use permit, or any other permit deemed applicable by the City;
- (s) **Protective barrier** means fencing constructed around a tree in accordance with Schedule "B" of this bylaw to protect the tree from damage during site work or construction;
- (t) **Prune** or **Pruning** means the removal of living or dead parts of a tree, including branches, in order to maintain shape, health, flowering or to regulate growth;

- (u) **Qualified Tree Risk Assessor** means any person possessing a valid Tree Risk Assessment Qualification from International Society of Arboriculture;
- (v) **Remove** or **Removing** means to uproot, or cause or allow to be uprooted, or to move, or cause or allow to be taken off a lot;
- (w) **Replacement tree** means a tree with a minimum caliper diameter of 5.0 cm if deciduous, or a minimum height of 2.0 m if coniferous, planted on a lot to replace a tree which has been cut down on the same lot;
- (x) **Retained tree** means a tree on a lot in respect of which a tree cutting permit is issued that is not permitted to be cut;
- (y) **Root protection zone** means a circular area extending outward from the stem of a tree, whose radius is equal to six times the diameter of the tree;
- (z) **Shared tree** means a tree with any part of its trunk crossing a property line, including where the adjacent property is a highway, park, or other City-owned property;
- (aa) **Significant tree** means a tree listed and identified in Schedule 'A';
- (bb) **Snag** means any dead standing tree;
- (cc) **Stem** means a main segment of a tree which grows upward from the ground;
- (dd) **Tree** means a woody perennial plant having a single stem or group of stems with a diameter of at least 15 cm measured 1.4 metres above natural grade or a height of at least 5 metres, **but does not include a hedge. For the purposes of this definition, a tree ~~and~~ includes:**
- (i) a replacement tree; or
 - (ii) a tree planted as a condition of a development permit.
- (ee) **Tree Cutting Permit** means a permit issued by the Parks Section Manager in accordance with this bylaw, which shall permit the cutting and replacement of trees under the conditions stipulated in the permit;
- (ff) **Tree Cutting Plan** means a plan based on the tree survey, which shows the trees proposed to be cut;
- (gg) **Tree Replacement Plan** means a plan which shows the location, size (height and/or caliper diameter) and species of replacement trees to be planted upon a subject lot; and

- (hh) **Tree Risk Assessment** means an analysis of tree hazard that includes documented assessment of site factors, tree health and species profile, load factors, tree defects and conditions affecting the likelihood of failure, risk categorization, and mitigation options.
- 3.2 A reference in this bylaw to an enactment is a reference to that enactment as amended or replaced from time to time.
- 3.3 Words used in the singular form in this bylaw include the plural and gender specific terms include all genders and corporations.
- 3.4 Headings in this bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this bylaw.
- 3.5 A decision by a court that any part of this bylaw is illegal, void or unenforceable severs that part of this bylaw and does not affect the validity of the remainder of this bylaw.

4. APPLICATION OF BYLAW

- 4.1 This bylaw applies to all trees within the City except as provided in section 4.2.
- 4.2 This bylaw does not apply to:
- (a) trees that are cut, removed, or damaged pursuant to the *Railway Safety Act*, SBC 2004, c.8, the *Hydro and Power Authority Act*, RSBC 1996, c.212, or the *Oil and Gas Activities Act*, SBC 2008, c.36; and
 - (b) trees on City-owned property or highways that are cut or removed by the City or its authorized agents in accordance with approved City operations.

5 PROHIBITIONS

- 5.1
- (a) No person shall cut or remove a tree (tree other than a significant or heritage tree) without a tree cutting permit.
 - (b) No person shall damage or allow a tree (tree other than a significant or heritage tree) to be damaged without a permit
 - (c) No person shall cut or remove a tree (designated as a significant tree) without a tree cutting permit issued under this bylaw.
 - (d) No person shall damage or allow a tree (designated as a significant tree) to be damaged without permit
 - (e) No person shall cut or remove a tree (designated as a significant tree, further defined as a heritage tree) without a tree cutting permit.
 - (f) No person shall damage or allow a tree (designated as a significant tree, further defined as a heritage tree) to be damaged without permit.

- (g) Failure to adhere to the terms or conditions of a permit.

6 TREE CUTTING PERMITS

6.1 An owner may apply to the Parks Section Manager for a tree cutting permit.

6.2 No tree cutting permit is required

- (a) to prune a tree in accordance with ISA guidelines; or

- (b) **prior to tree cutting** where a hazardous tree is in imminent danger of falling and injuring persons or property 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 Parks Section Manager the next business day along with a photograph of the tree prior to such cutting. **Following reporting, the owner shall and shall forthwith apply for a tree cutting permit within ten (10) business days of the tree cutting.** The owner shall not remove the tree from the lot until the City has attended at the site. If the Parks Section Manager determines that the tree was not in imminent danger of falling or was in imminent danger of falling due to reasons other than natural causes, the owner may be subject to the offences and penalties in section 11 of this bylaw.

6.3 An application for a tree cutting permit must be made in the form prescribed for that purpose from time to time by the Parks Section Manager and must include all of the following:

- (a) the civic address and legal description of the lot or lots on which the trees proposed to be cut or removed are located;
- (b) if the applicant is not the owner of the lot on which the tree proposed to be cut or removed is located, the written consent of all owners of that lot;
- (c) a statement of purpose and rationale for the proposed tree cutting or removal;
- (d) a non-refundable application fee set out in the *Fees and Charges Bylaw, 2015, No. 3892*;
- (e) a tree replacement plan in accordance with section 7 of this bylaw;
- (f) a security deposit in accordance with section 8 of this bylaw;
- (g) details of the scale, methods, and timing of the proposed cutting or removal of trees;

- (h) where the tree is a shared tree, a letter from the owners of the adjacent lot consenting to the cutting or removal of the shared tree, together with current contact information for each of those owners; and

64 In addition to the requirements in section 6.3, the Parks Section Manager may also require an applicant for a tree cutting permit to provide:

- (a) an arborist report, a tree risk assessment, and a tree cutting plan;
- (b) a title search for the lot or lots on which the trees proposed to be cut or removed are located, obtained from the Land Title Office, along with copies of any covenants or similar agreements registered against title to the lot and relating to the use of the lot or the cutting or removal of trees on the lot;
- (c) where a tree is proposed to be cut for the purpose of a development, the permits associated with the property on which the tree is to be cut; and
- (d) if the tree cutting permit is sought in respect of a lot in a development permit area identified in the *Official Community Plan, 2013, No. 3838*:
 - (i) where applicable, a report from an engineer assessing issues relating to slope stability, flooding, and erosion on the lot, certifying that the proposed cutting or removal of the tree(s) will not destabilize slopes or cause flooding or erosion, and specifying any conditions under which the proposed cutting or removal of the tree(s) may take place, including the appropriate extent, timing, and phasing of the cutting or removal to address public health and safety concerns, minimize impacts to adjacent properties, protect retained trees, and protect other environmental features or functions;
 - (ii) where applicable, proof of approval from the Ministry of Environment & Climate Change Strategy, Fisheries and Oceans Canada, or both for areas protected for fish habitat or flood-proofing purposes; and
 - (iii) where applicable, adherence to the watercourse development permit area designation in the Official Community Plan.

65 The Parks Section Manager may:

- (a) issue a tree cutting permit; or
- (b) issue a tree cutting permit subject to terms and conditions with respect to the extent, timing and phasing of tree cutting, removal and replacement; the location of replacement trees to be planted; and proposed methods to access the site, control erosion, manage runoff, and protect retained trees.

- 6.6 The Parks Section Manager may refuse to issue a tree cutting permit where:
- (a) the proposed tree cutting would take place during the active nesting season ~~(March 1 through July 31)~~ of any given year, except where:
 - (i) the applicant submits a biological survey prepared by a Qualified Environmental Professional identifying any active nests located upon or in the vicinity of the lot, the removal of any significant vegetation, and the disturbance of grassy areas for ground nesters; and
 - (i) the applicant provides detailed measures to be taken for the protection of such nests in accordance with any requirements under the *Wildlife Act*, RSBC 1996, c.488, and other applicable legislation or regulation; or
 - (b) the tree proposed to be cut is a significant tree, unless:
 - (i) the significant tree is a hazardous tree; or
 - (i) the Parks Section Manager determines following review of engineering, architectural, or landscaping drawings and an arborist report that cutting is necessary for:
 - A. the construction of or addition to a building;
 - B. the construction of required off-street parking or an underground or above ground utility corridor; or
 - C. the construction of required roads or services.
 - (c) the removal would adversely affect property owned or held by the City; or
 - (d) the tree is located in a Development Permit Area where hazardous conditions such as steep slopes are present and the removal of the tree would impact slope stability.
- 6.7 The Parks Section Manager may suspend or revoke a tree cutting permit at anytime if the Parks Section Manager determines that:
- (a) tree cutting and replacement is not being carried out in accordance with the terms of this bylaw, the tree cutting permit or both; or
 - (b) the information on which the issuance of the tree cutting permit was based is incorrect.
- 6.8 Unless otherwise specified in a tree cutting permit, a tree cutting permit shall expire

within one year after the date of issuance.

- 6.9 Every person issued a tree cutting permit shall post a copy of the permit in a conspicuous place at the front of the lot to which the tree cutting permit relates for the duration of the activities permitted in the tree cutting permit **and for two weeks following tree removal.**
- 6.10 A tree cutting permit only grants permission pursuant to this bylaw and does not relieve the owner from complying with all other laws, regulations and requirements of any public authority having jurisdiction, nor relieve the holder from complying with civil, common law or contractual obligations.

7. TREE REPLACEMENT

- 7.1 Every applicant for a tree cutting permit shall provide a tree replacement plan acceptable to the Parks Section Manager.
- 7.2 A tree replacement plan shall provide for one replacement tree to be planted for each tree proposed to be cut, except as provided in sections 7.3 and 7.4.
- 7.3 A tree replacement plan shall provide for two replacement trees to be planted for each significant tree **60 cm DBH or greater** proposed to be cut.
- 7.4 No replacement tree shall be required where the largest stem of the tree to be replaced is within a 5 metre radius of the largest stem of another tree **on the subject property.**
- 7.5 Every owner who is issued a tree cutting permit shall, in accordance with the associated tree replacement plan, plant replacement trees:
- (a) **Within six months of the date the permit was issued, except:**
 - (i) **when a tree is proposed to be cut for the purpose of a development where permitted construction on the site would adversely affect the health of the replacement tree planted.**
- 7.6 **If the tree replacement plan is not carried out as approved and within the approved timeline, the owner will be issued a fine and the deposit shall be forfeited to the City as cash in lieu.**
- 7.7 Where an owner submits an arborist report that **demonstrates compliance with section 7.4 and/or a report that** indicates that the subject lot cannot accommodate a replacement tree or replacement trees, the Parks Section Manager **~~may permit the owner~~ will review the arborist report and the tree replacement plan in the context of the proposed development and the context of the lot.**

- (a) Upon review, the Parks Section Manager may require submission of a revised tree replacement plan that increases the retention or replacement of trees on the subject property.
 - (b) If the Parks Section Manager approves the tree management plan under this section, the owner shall be required to contribute \$500 in lieu of each replacement tree not planted.
- 7.8 Every owner shall maintain in good health in accordance with sound arboricultural practice every replacement tree planted pursuant to a tree replacement plan for a period of 1 year after planting.
- 7.9 Where a replacement tree does not survive for 1 year after planting, the owner shall, within 6 months, remove the deceased tree and provide a new replacement tree in a location satisfactory to the Parks Section Manager. The owner shall thereafter maintain the new replacement tree in accordance with section 7.8.

8. SECURITY DEPOSITS

- 8.1 Every applicant for a tree cutting permit shall submit with the application a security deposit, in the form of cash or irrevocable letter of credit drawn upon a chartered bank in a form acceptable to the Parks Section Manager, for full and proper compliance with all the terms in a tree cutting permit, including the planting and maintenance of all replacement trees.
- 8.2 The amount of security shall be \$500 per required replacement tree.
- 8.3 If at any time an owner fails to comply with the provisions of this bylaw, a tree cutting permit or a tree replacement plan, the City may by its employees or contractors enter upon the lot that is the subject of the requirements and fulfill the requirements of the owner and, for such purposes, the City may draw upon the security provided and expend the funds to cover its costs and expenses of so doing.
- 8.4 The City shall release the security provided by an owner in respect of each replacement tree when the Parks Section Manager determines, in his or her sole discretion, that a replacement tree has been planted and maintained in good health for a period of 1 year. In the event that the Parks Section Manager determines an owner has not maintained a replacement tree in good health for 1 year, the City may retain the security until the Parks Section Manager is satisfied that the replacement tree, or a tree planted to replace a deceased replacement tree, is in good health and is expected to grow to maturity.
- 8.5 The Parks Section Manager may waive the requirement to post security under this section 8 if the owner has provided other security relating to a development on the

lot that permits the City to draw down on such security to fulfill the owner's obligations under a tree cutting permit, tree replacement plan and this bylaw.

- 8.6 The Parks Section Manager may waive the requirement to post security under this section 8 if the owner carries on an institutional or single residential use as set out in the Zoning Bylaw, 2008, No. 3630.

9. TREE PROTECTION DURING CONSTRUCTION AND DEMOLITION

- 9.1 Where the drip line of a tree is within 4 metres from any excavation, demolition, construction, fill or engineering works proposed on a lot, the owner shall install a protective barrier around the root protection zone of the tree.
- 9.2 Where the drip line of a tree on an adjacent lot is within 4 metres from any excavation, demolition, construction, fill or engineering works proposed on a lot, the owner shall, with the consent of the owner of the adjacent lot, install a protective barrier around the root protection zone of the tree. In the event that the owner cannot obtain such consent from the owner of the adjacent lot, the owner shall install a protective barrier around the tree to the property line of the owner's lot.
- 9.3 No demolition permit, building permit, or fill permit shall be issued before the installation of protective barriers has been satisfactorily demonstrated to the City, if such barriers are required in accordance with sections 9.1 and 9.2.
- 9.4 A protective barrier must remain in place for the duration of all excavation, construction, demolition, or fill activity on the lot until removal of the protective barrier is approved by the Parks Section Manager.
- 9.5 No person shall disturb the area within a root protection zone by site grading, deposition or storage of soil or any other material, disposal of any toxic material, access by any vehicular traffic or heavy equipment, use of the area as an amenity space during construction, use of tree trunks as a winch support, anchorage, or temporary power pole or in any other manner.
- 9.6 Notwithstanding sections 9.4 and 9.5, a protective barrier may be temporarily removed or relocated in order to allow work to be done within or near a root protection zone if the owner has, prior to such removal or relocation, provided the City with:
- (a) a report from a certified arborist, satisfactory to the Parks Section Manager, setting out the reasons and proposed duration for such removal or relocation; and
 - (b) a signed letter of undertaking from a certified arborist, in the form prescribed for that purpose from time to time by the Parks Section Manager, confirming

that the certified arborist will be onsite and supervising all such work, and thereafter the owner shall only remove or relocate the protective barrier in accordance with the approved report and at those times during which the certified arborist is onsite and supervising all such work.

10. INSPECTIONS AND STOP WORK ORDERS

- 10.1 Bylaw enforcement officers and any other employees or agents of the City authorized to administer or enforce this bylaw may, in accordance with section 16 of the *Community Charter*, enter any lot at all reasonable times without the consent of the owner to ascertain whether the requirements of this bylaw or a tree cutting permit are being observed.
- 10.2 No person shall obstruct or attempt to obstruct any bylaw enforcement officer, employee or agent of the City in the exercise of any of that person's duties under this bylaw.
- 10.3 A bylaw enforcement officer may issue a Stop Work Order if any tree is being cut or damaged in contravention of this bylaw or a tree cutting permit. A bylaw enforcement officer may post the Stop Work Order in a conspicuous location near the front of the lot. ~~Upon receipt of a Stop Work Order, the owner and owner's agents shall immediately cease all tree cutting or damaging activities and shall not resume unless authorized by the Parks Section Manager.~~
- (a) ~~The owner of a property on which a Stop Work Order has been posted, and every other person, shall cease all work regulated by this bylaw immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by a Bylaw Enforcement Officer.~~
- 10.4 Where a tree has been cut or damaged in contravention of this bylaw or a tree cutting permit, the trunk, limbs, roots and remains of the tree shall not be removed from the lot until an investigation and assessment is complete and the removal is expressly authorized by the Parks Section Manager.
- 10.5 ~~Where a tree has been cut and removed from the lot without an investigation and assessment as per s. 10.4, the cutting shall be considered a contravention of this bylaw, and the fine for removing a significant tree shall apply.~~

11. OFFENCES AND PENALTIES

- 11.1 This bylaw may be enforced by the provisions of the *Bylaw Notice Enforcement Bylaw No. 3814, 2013*, and the *Ticket Information Utilization Bylaw, 1992, No. 2743*.

11.2 Any person who:

- (a) contravenes or violates any provision of this bylaw or of a tree cutting permit issued under this bylaw;
- (b) allows any act or thing to be done in contravention or violation of this bylaw or of a tree cutting permit issued under this bylaw; or
- (c) fails or neglects to do anything required to be done by this bylaw or a tree cutting permit issued under this bylaw,

commits an offence, and where the offence is a continuing one, each day the offence is continued constitutes a separate offence.

11.3 Where one or more tree is cut, removed or damaged in contravention of this bylaw or a tree cutting permit or one or more tree is not replaced or maintained in accordance with a tree replacement plan, a separate offence is committed in respect of each tree.

11.4 Upon being convicted of an offence under this bylaw, a person shall be liable to pay penalties not exceeding the amounts provided for in the *Offence Act*, RSBC 1996, c.338.

11.5 In addition to any other penalty which may be imposed under this bylaw, where an owner cuts, removes or damages, or causes or allows any tree to be cut, removed or damaged in contravention of this bylaw or of any term or condition of a tree cutting permit issued under this bylaw, the owner shall, within 30 days of receiving notice of such requirement from the Parks Section Manager:

- (a) submit for the Manager of Parks Service's approval a tree replacement plan prepared by a certified arborist providing for 3 replacement trees to be planted for each tree unlawfully cut and specifying the location of such replacement trees; and
- (b) submit security in accordance with section 8 of this bylaw.

11.6 Every owner who submits a tree replacement plan and security under section 11.5 of this bylaw shall plant replacement trees in accordance with the approved tree replacement plan and sections 7.5, 7.6, 8.3 and 8.4 of this bylaw shall apply to the replacement trees and the security.

READ A FIRST TIME this

12th day of

February, 2019

READ A SECOND TIME this 12th day of February, 2019

READ A THIRD TIME this 12th day of February, 2019

ADOPTED this 26th day of February, 2019

Mayor

Corporate Officer

RECORD OF AMENDMENTS

Bylaw No.

Section

Date

4146

5.1

2019-10-22

SCHEDULE "A"

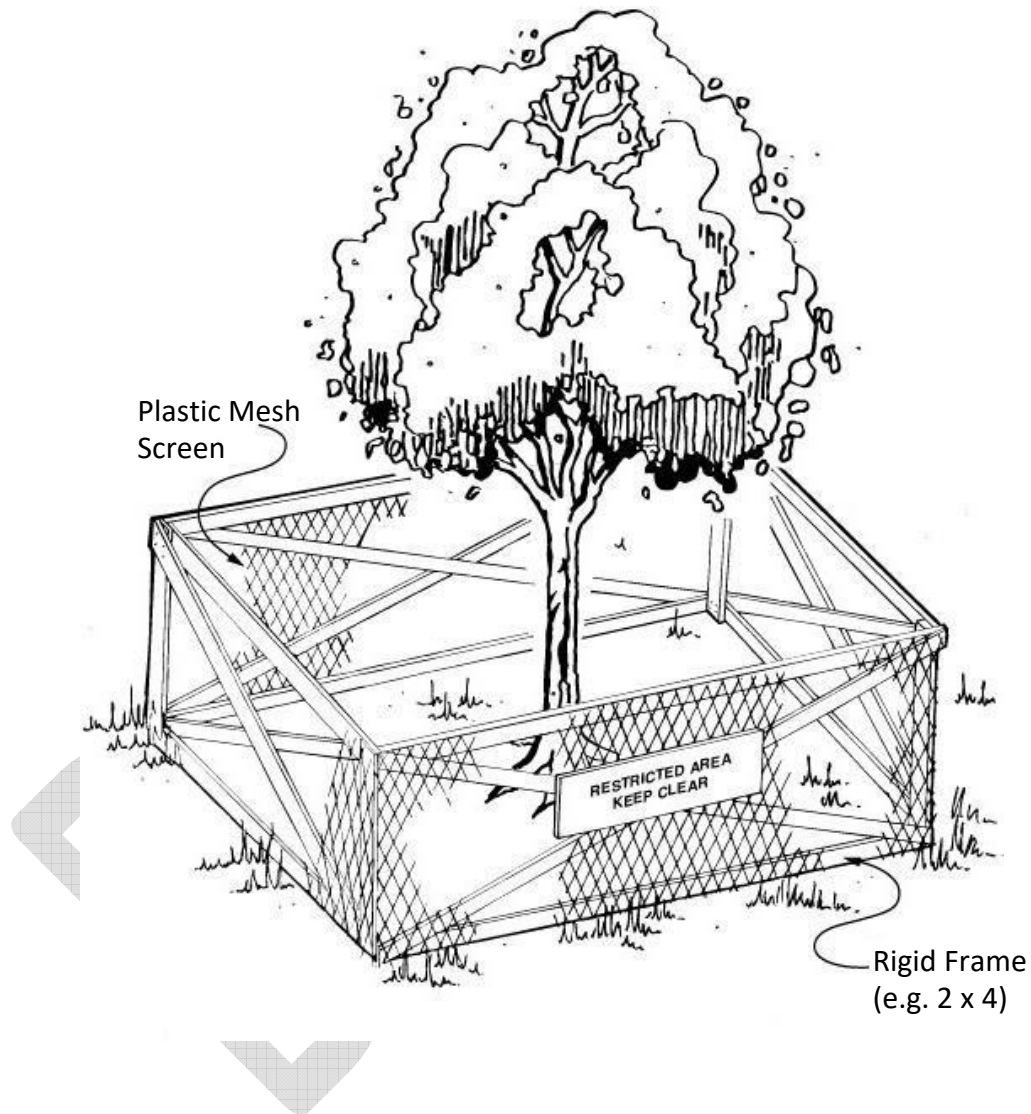
SIGNIFICANT TREES

Type	Minimum Size
<u>Rare Native Tree Species</u>	
▪ Pacific Dogwood (<i>Cornus nuttallii</i>)	10 cm diameter
▪ Arbutus (<i>Arbutus menziesii</i>)	10 cm diameter
▪ Western Yew (<i>Taxus brevifolia</i>)	10 cm diameter
▪ Western white pine (<i>Pinus monticola</i>)	10 cm diameter
▪ Garry oak (<i>Quercus garryana</i>)	10 cm diameter
▪ Oregon ash (<i>Fraxinus latifolia</i>)	10 cm diameter
<u>Wildlife Trees</u>	
▪ Any dead, standing snag used as wildlife habitat.	
<u>Heritage Trees</u>	
▪ Any tree designated and registered by size, age or cultural significance that has been entered upon a list of heritage trees.	
<u>Specimen Trees</u>	
▪ Any tree with a diameter of 45 cm or greater, excluding Black cottonwood (<i>Populus balsamifera</i> ssp. <i>Trichocarpa</i>), Balsam poplar (<i>Populus balsamifera</i> ssp. <i>Balsamifera</i>), and Trembling aspen (<i>Populus tremuloides</i>).	

SCHEDULE "B"

BYLAW 4108

PROTECTIVE BARRIER



Tree Diameter (cm)	15	20	25	30	35	40	45	50	55	60	75	90	100
Minimum Distance from tree to Protective Barrier (m)	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	4.5	5.4	6.0