

ENVIRONMENT COMMITTEE MEETING – AGENDA

Agenda for the Environment Committee Meeting scheduled for Thursday, October 18, 2018 at 7:00 p.m. in Council Chambers at Village Hall, 2697 Sunnyside Road, Anmore, BC



1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

Recommendation: That the agenda be approved as circulated.

3. MINUTES

(a) Minutes of the Meeting held on September 20, 2018

Recommendation: That the Minutes of the Environment Committee Meeting held on September 20, 2018 be adopted as circulated.

4. BUSINESS ARISING FROM THE MINUTES

5. UNFINISHED BUSINESS

6. NEW BUSINESS

(a) Tree Management Bylaw (Draft)

Staff is scheduled to present this matter prior to review with the Committee.

Report to Council dated August 29, 2018 by the Manager of Development Services is attached.

Council Resolution from the Regular Council Meeting held on September 18, 2018

"THAT COUNCIL REFER THE DRAFT TREE MANAGEMENT BYLAW TO THE ENVIRONMENT COMMITTEE FOR FINAL COMMENT AND DIRECT STAFF TO RETURN TO COUNCIL WITH A REVISED DRAFT FOR INITIAL READINGS."

(b) Rezoning Application for 3207 Sunnyside Road (Cordovado)

Staff is scheduled to present this matter prior to review with the Committee.

Report to Council dated September 12, 2018 by the Manager of Development Services is attached.

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Council Resolution & Direction from the Regular Council Meeting held on September 18, 2018
“THAT COUNCIL REFER THE REZONING PROPOSAL FOR 2307 SUNNYSIDE ROAD
TO THE ADVISORY PLANNING COMMISSION, PARKS AND RECREATION
COMMITTEE AND ENVIRONMENT COMMITTEE FOR COMMENT.”

Council directed Staff to determine the difference for Riparian Area Regulation requirements under RS1 Zoning versus the proposed CD Zoning, and to provide that information to the Advisory Planning Commission, Parks and Recreation Committee and Environment Committee as information for when they each conduct review of the proposal.

7. **ADJOURNMENT**

ENVIRONMENT COMMITTEE MEETING – MINUTES

Minutes of the Environment Committee Meeting held on Thursday, September 20, 2018 in Council Chambers at Village Hall, 2697 Sunnyside Road, Anmore, BC



MEMBERS PRESENT

Councillor Paul Weverink, Chair
Grace Bergman
Coleen Hackinen
Trudy Schneider

MEMBERS ABSENT

Babak Taghvaei

1. CALL TO ORDER

Chair Weverink called the meeting to order at: 7:10 p.m.

2. APPROVAL OF THE AGENDA

It was MOVED and SECONDED:

“THAT THE AGENDA BE APPROVED AS CIRCULATED.”

CARRIED UNANIMOUSLY

3. MINUTES

(a) Minutes of the Meeting held on May 17, 2018

It was MOVED and SECONDED:

“THAT THE MINUTES OF THE ENVIRONMENT COMMITTEE MEETING HELD ON MAY 17, 2018 BE ADOPTED AS CIRCULATED.”

CARRIED UNANIMOUSLY

4. BUSINESS ARISING FROM THE MINUTES

Nil

5. UNFINISHED BUSINESS

Nil

6. NEW BUSINESS

Nil

7. ADJOURNMENT

It was MOVED and SECONDED:

“TO ADJOURN.”

CARRIED UNANIMOUSLY

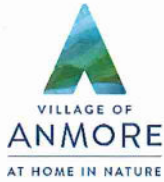
The meeting adjourned at 7:16 p.m.

Certified Correct:

Approved:

Christine Baird
Manager of Corporate Services

Councillor Paul Weverink
Chair, Environment Committee



VILLAGE OF ANMORE

REPORT TO COUNCIL

Date: August 29, 2018
Submitted by: Jason Smith, Manager of Development Services
Subject: Draft Tree Management Bylaw

Purpose / Introduction

The purpose of this report is introduce Council to changes that staff are proposing to the Tree Management Bylaw and to request that the draft Bylaw be referred to the Environment Committee for further work and discussion with staff.

Recommended Options

That Council refer the draft Tree Management Bylaw to the Environment Committee for final comment and direct staff to return to Council with a revised draft for initial readings.

Background

The Environment Committee has made numerous comments and suggestions for improving the Tree Management Bylaw and Council has requested that staff address those comments.

Discussion

Village staff have reviewed the Tree Management Bylaw in conjunction with the comments received from the Environment Committee. In response to those comments and after reflecting on the operational challenges of implementing the Tree Management Bylaw, staff are proposing a series of changes as part of a draft bylaw (attached).

The following substantive changes to the Tree Management Bylaw are being proposed:

- Certified Tree Risk Assessor – the use of a certified tree risk assessor is being proposed to ensure that a qualified person is making the determination on whether a tree is a dangerous tree.
- Removed native vegetation from counting towards 20% tree coverage that is required in the Tree Management Bylaw. This addresses an issue where applicants were cutting trees down and replacing the lost coverage with vegetation (such as salal) rather than trees.

Report/Recommendation to Council

Draft Tree Management Bylaw

August 29, 2018

- The threshold for possible geotechnical review has been lowered from 30% to 20% to ensure any tree cutting on steeper slopes is conducted in a safe manner.
- The requirements for replacement trees has been updated requirements for replacement trees to ensure that they are replaced in a timely manner.
- The undertaking or security for replacement trees has been increased to ensure every effort is made to replace trees that are cut.
- Included consideration of bird nesting requirements to be part of application.

Staff would like to bring the proposed changes to the Environment Committee for further discussion to ensure that their comments are effectively captured. There is a balance that needs to be struck between preserving trees and the semi-rural character of Anmore with an owners ability to utilize their property in a manner that suits them.

Other Options

The following options are provided for Council's consideration:

1. That Council refer the draft Tree Management Bylaw to the Environment Committee for final comment and direct staff to return to Council with a revised draft for initial readings

Or

2. That Council provide further direction to staff on how to proceed with updates to the Tree Management Bylaw.

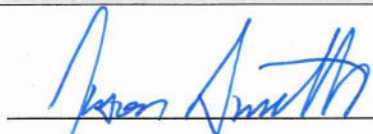
Financial Implications

There are no financial implications for any of the options presented.

Attachments:

Draft Tree Management Bylaw

Prepared by:



Jason Smith

Manager of Development Services

This is a consolidated copy of the following bylaws:

1. Anmore Tree Management Bylaw No. 430-2007
2. Anmore Tree Management Amendment Bylaw No. 469-2009
3. Anmore Tree Management Amendment Bylaw No. 478-2009

This consolidation is prepared for convenience only. Individual copies of the above noted bylaws may be obtained by contacting the Village Hall.

VILLAGE OF ANMORE

BYLAW NO. 430, 2007

A bylaw to manage the cutting and retention of trees on private property

- Section 1: Citation
- Section 2: Definitions
- Section 3: Measurement
- Section 4: Prohibition
- Section 5: General Tree Cutting
- Section 6: Tree Cutting on Lot Sizes of 0.4 Ha. (1 Acre) or Less
- Section 7: Tree Cutting on Lot Sizes of More than 0.4 Ha. (1 Acre)
- Section 8: Tree Cutting on Land to be Subdivided 1.2 Ha. (3 Acres) and Greater
- Section 9: Trees within *Riparian Areas* or a *Wetland*
- Section 10: Removal of *Dangerous Trees*
- Section 11: Tree Removal on Steep Land
- Section 12: Replacement Trees
- Section 13: Application for Tree Cutting Permits
- Section 14: Permit Conditions

Section 15: Professional Reports

Section 16: Reconsideration of a Decision by the Administrator

Section 17: Municipal Works

Section 18: Entry on Property

Section 19: Offence and Penalty

Schedule A: Application for a Tree Permit

Schedule B: Tree Permit Application Fees

Schedule C: Sample Tree Permit

VILLAGE OF ANMORE

BYLAW NO. 430, 2007

A bylaw to manage the cutting and retention of trees on private property

WHEREAS the *Community Charter* authorizes a local government to regulate the cutting and removal of trees in a Municipality;

AND WHEREAS the vision of the Village of Anmore as articulated in the Official Community Plan is to retain the semi rural character of the area;

AND WHEREAS the Village of Anmore considers it in the public interest to avoid clear cutting of land and to provide for the preservation and protection of trees, and the regulation of their cutting and removal;

AND WHEREAS the Village of Anmore is desirous of instituting a permit system as a means of regulating the cutting and removal of trees;

NOW THEREFORE the Municipal Council of the Village of Anmore in open meeting assembled enacts as follows:

1) Citation

This bylaw may be cited for all purposes as "Anmore Tree Management Bylaw No. 430, 2007".

2) Definitions

In this Bylaw:

"Administrator" means the Chief Administrative Officer of the Village of Anmore or his / her authorized designate

"Certified Arborist" means a person holding a current certification of "certified arborist" issued by the International Society of Arboriculture

"Certified Tree Risk Assesor" 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)

"Council" means the Council of the Village of Anmore

"Cut Down" means to kill or remove a tree by any means and includes the topping of a tree and the removal of any branch or trunk of a tree having a

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AMENDED BYLAW NO. 469-2009¶

"Committee" means a Committee comprised of the Chief Administrative Officer, the Manager of Public Works and the Municipal Planner. The Committee shall be responsible for the issuance of all permits.¶

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diameter of more than 10 cm (3.9") but does not include the normal pruning of a tree

"Dangerous Tree" means a tree, identified in writing by a Certified Tree Risk Assessor, in such 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;

"Diameter" means the diameter of the tree measured 1.4 m (4.5') above the ground

"Hedge" means a row of trees or shrubs that have been specifically planted closely together so that they form an unbroken line that serves as a solid barrier separating one space from another

"Lot" means the smallest unit as shown on the records of the Land Title Office in which land is held and includes a strata lot created pursuant to the *Strata Title Act*

"Municipality" means the Village of Anmore

"Native Vegetation" means a combination of native trees, groundcover, shrubs and herbaceous plants

"Owner" means the registered owner in fee simple of a lot and the trees growing on it, or a person authorized by the owner or owners in writing

"Permit" means a permit issued pursuant to this Bylaw allowing the permit holder to cut down one or more trees;

"Qualified Environmental Professional" means an applied scientist or technologist registered and in good standing with an appropriate professional organization constituted under a statute of the Province of British Columbia, providing services under that organization's code of ethics, and acting within the individual's area of expertise, and may include a *certified arborist, professional forester*, or a registered professional biologist

"Professional Forester" means a registered member or holder of a special permit granted under Section 14(1) of the *Foresters Act*.

"Real Property" means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

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(a) . which is dead, dying, severely damaged, unstable or severely leaning and in danger of falling; ¶

¶
which is interfering with, or is in such close proximity to utility wires as to be a danger; ¶

¶
having a trunk or root system which is interfering with, blocking or damaging municipal infrastructure, a septic system, building foundation or other major improvement; or ¶

¶
which is blocking a *watercourse* or reducing its drainage capacity.

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"Riparian Area" means an area adjacent to a *watercourse* that links aquatic to terrestrial ecosystems, the size of which is determined on the basis of an assessment report provided by a *qualified environmental professional*

"Security" means either cash or an irrevocable letter of credit, in a form acceptable to the Municipality, which is provided to the Municipality to guarantee performance of requirements of this Bylaw

"Tree" means any living, erect, woody plant which is 20 cm (7.8") or more in diameter measured 1.4 m (4.5') above the ground, and for the purpose of this Bylaw does not include a *hedge*.

"Watercourse" means a natural drainage course or source of water, whether usually containing water or not, including a lake, pond, river, stream, creek, spring, ravine, swamp and gulch; and also includes a man-made depression with well-defined banks and a bed 0.6 m (2') or more below the surrounding land serving to give direction to a current of water at least 6 months of the year or having a drainage area of 0.32 square km (0.12 square miles) or more, any of which may be enclosed or in a conduit, but excludes roadside ditches, drainage ditches and irrigation works.

"Wetland" means land that is inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a stream

3. Prohibition

- (1) No person shall cut down, or cause suffer or permit any *tree* to be cut down, except in accordance with a valid *permit* issued under this Bylaw.

4. Measurement

- (1) The *diameter* of a *tree* having multiple trunks at 1.4 m (4.5') above the ground shall be the sum of:

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- ¶
(1) . The *diameter* of a *tree* having multiple trunks at 1.4 m (4.5') above the ground shall be the sum of: ¶
¶
(a) . 100% of the *diameter* of the largest trunk; and ¶
¶
(b) . 60% of the *diameter* of each additional trunk. ¶
¶
(2) . The location of a *tree* shall be measured at the point at which the trunk of the *tree* meets the ground. ¶

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- ¶
(1) . No person shall cut down or damage, or cause, suffer or permit a *tree* to be cut down or damaged within the Municipality, except where permitted by and carried out in accordance with the terms of this Bylaw. ¶

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Deleted: General Tree Cutting

- Deleted: (2) . Despite subsection (1), a *permit* is not required to *cut down* any *tree* where the following circumstances apply: ¶
¶
where, in the opinion of the owner, a *tree* must be *cut down* on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property; ¶
¶
(b) . where, in the opinion of the owner, a *tree* must be *cut down* on an emergency basis because it poses an imminent danger of causing damage to municipal infrastructure, a septic field, a building foundation or other major improvement; or ¶
¶
(c) . where, in any 12-month period, no more than two (2) *trees* are *cut down* on a *lot* with a lot size of 0.4 ha. (1 acre) or less, plus 1 additional *tree* for every additional 0.4 ha. (1 acre) of *lot* area.

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(a) 100% of the *diameter* of the largest trunk; and

(b) 60% of the *diameter* of each additional trunk.

(2) The location of a *tree* shall be measured at the point at which the trunk of the *tree* meets the ground.

5. Tree Cutting on Lot Sizes of 0.4 Ha (1 Acre) or Less

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(1) Where a *permit* is required to *cut down trees* on a *lot* with a *lot* size of 0.4 ha. (1 acre) or less, such *permit* will only be issued if the applicant demonstrates to the satisfaction of the Municipality that not less than 20% of the *lot* will be covered with existing or replanted *trees* following the proposed *tree* cutting.

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(2) Where the replanting of trees is necessary to meet the minimum coverage requirements of Section 5.1, an applicant shall, as a condition of a *permit*, replant three (3) *trees*, in accordance with the requirements of Section 11 in combination with *native vegetation*, for every *tree* that is *cut down*, until the minimum coverage requirement is met.

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(3) Notwithstanding Section 5.2, in the case where less than 20% of the *lot* is covered with existing *trees* and *native vegetation* prior to removal, for every *tree* that is *cut down* or removed, three (3) *trees* in combination with *native vegetation* shall be replanted subject to the requirements of Section 11.

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6. Tree Cutting on Lots Size of More than 0.4 Ha (1 Acre)

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(1) Subject to Section 6.2, where a *permit* is required to *cut down trees* on a *lot* with a *lot* size greater than 0.4 ha. (1 acre), such *permit* will only be issued if the applicant demonstrates to the satisfaction of the Municipality that not less than 20% of the *lot* will be covered with existing or replanted *trees*.

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(2) The 20% minimum coverage requirement established in Section 6 (1) shall increase by 5% for every 0.4 ha (1 acre) that a *lot* exceeds 0.4 ha (1 acre), to a maximum coverage requirement of 75% of the *lot*.

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(3) Where the replanting of trees is necessary to meet the minimum coverage requirements of Section 6, an applicant shall, as a condition of *permit*, replant three (3) *trees*, in accordance with the requirements of Section 11 in combination with *native vegetation*, for

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every *tree* that is *cut down*, until the minimum coverage requirement is met.

7. Tree Cutting on Land to be Subdivided.

- (1) Every applicant for approval of a subdivision, after the Municipality's Approving Officer has issued a Preliminary Layout Review (PLR) letter and prior to final approval of the proposed subdivision, submit to the Village for approval a *Tree and Natural Vegetation Management Plan* relating to the proposed subdivision, prepared at the applicant's cost by a *Qualified Environmental Professional*.
- (2) The *Tree and Natural Vegetation Management Plan* referred to in Section 7 (1) shall identify:
 - (a) tree retention and replanting areas such that each lot created by the subdivision shall have not less than 20% of its area covered by *trees*; and
 - (b) the methods in which the *Tree and Natural Vegetation Management Plan* will be implemented including tree protection during the construction stage and tree management post construction.

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8. Trees within Riparian Areas or a Wetland

- (1) In this section, a "tree" means any living, erect, woody plant.
- (2) Except as permitted by Section 4 (2) (a) or a permit issued under Section 9, no person shall *cut down a tree* growing within a *riparian area* or a *wetland*.
- (3) The Administrator shall issue a permit to *cut down a tree* within a *riparian area* or a *wetland* where:
 - (a) the tree is a *dangerous tree*; or
 - (b) it is necessary to *cut down the tree* to carry out works in or about a *watercourse* or a *wetland* provided that the said works have been authorized by a permit and approved pursuant to any relevant federal and provincial requirements.

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9. Removal of Dangerous Trees

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- (1) For certainty, unless otherwise exempted under this Bylaw, a permit is required to *cut down a dangerous tree* but the permit fee prescribed in Schedule "B" is waived.
- (2) Every person making application to *cut down a dangerous tree* must submit, at the time of such application, a report from a *Certified Tree Assessor*, confirming that each *tree* to be *cut down* is a *dangerous tree* and outlining the reasons for its removal.
- (3) No person who cuts down a dangerous tree shall remove the stumps or roots of the *tree* without the specific written permission of the Municipality.
- (4) Every *owner* shall cause all *trees, hedges, bushes or shrubs* on a *lot* to be trimmed, removed or *cut down* if the Municipality considers that it is:
 - (a) a *dangerous tree*;
 - (b) a hazard to the safety of persons;
 - (c) likely to damage public property; or
 - (d) a nuisance and seriously inconveniencing the public.
- (5) The Municipality may serve upon the *owner* notice that the Municipality will be entitled to take the action required under Section 9 (4) at the expense of the person given the notice, if the *owner* does not take the required action within 14 days of service of the notice.
- (6) If the *owner* given the notice does not take the required action within 14 days of service, the Municipality, by its employees or others, may enter the *real property*, and take the action specified in the notice at the expense of the owner given the notice.
- (7) If the *owner* does not pay the Municipality's costs of carrying out the action specified in the notice on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the *real property* as taxes in arrears.

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10. Tree Removal on Steep Land

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- (1) In cases where *trees* are proposed to be removed on land with a slope greater than *20%*, irrespective of *lot area*, the *Administrator* may require the preparation of a report from a qualified professional geotechnical or hydrological engineer certifying that the proposed

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tree removal will not create a danger from erosion, flooding, or landslip, and should the report from the qualified professional engineer recommend the construction of works necessary to prevent erosion, flooding or landslip, no *permit* shall be issued unless the applicant provides to the Municipality security in the amount of 150% of the cost of the works as estimated by the engineer.

- (2) The applicant shall be responsible for and, at their own expense, execute all work required by the qualified professional engineer in his report in order to prevent erosion, flooding, or landslip or to ensure the stability of the slope.
- (3) Upon completion of the required works and certification by the qualified professional engineer that the works satisfy their requirements to prevent erosion, flooding, or landslip, or to maintain the stability of the slope, the security will be released.
- (4) The works shall be completed within the period specified on the *permit*. Should the works not be completed within the stated period or not be completed according to the qualified professional engineer's recommendations, the Municipality may use the security to complete the works at the applicant's expense.
- (5) Where the Municipality is required to complete the works and the amount of security provided is insufficient, the applicant shall pay the balance forthwith to the Municipality upon receipt of the invoice.

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(b) . for every tree cut down that was a deciduous tree, replant a deciduous tree with a diameter of not less than 7 centimeters; ¶

11. Replacement Trees

- (1) Where tree replacement is either proposed by an applicant or required by this Bylaw or by the Administrator as a condition of issuance of a *permit*, the owner or applicant shall within a time period prescribed by the Administrator, plant two (2) replacement trees for every tree removed in accordance with the following conditions:

(a) Each replacement tree must be planted within one month of the cutting down or removal of the original tree, except as otherwise authorized by the Administrator;

(b) Notwithstanding the definition of tree, each replacement tree must be a minimum height of 4 metres if coniferous or a minimum of 7 centimetres in diameter if deciduous, unless otherwise authorized by the Administrator;

- (c) water, fertilize and maintain the replacement tree in accordance with sound horticultural practice; and

- (d) provide the Municipality with an undertaking of \$1,000 per replacement tree to a maximum amount of \$10,000 per parcel in order to ensure the replacement trees are maintained in good health and to replace any replacement trees should any not survive during the initial three (3) year period. The undertaking will be returned to the owner of the property after 3 years and confirmation by the Administrator that all of the replacement trees have survived. If the replacement trees are not in good health or have not survived, the undertaking shall be forfeit and retained by the Village.

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- (2) Where any person *cuts down a tree* in contravention of this Bylaw or a *permit* issued pursuant to this Bylaw, that person shall replant five (3) *trees* for every *tree* unlawfully removed in accordance with recommendations contained in the report of a *Qualified Environmental Professional* prepared for the Municipality at the expense of the *owner*, and shall:

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- (a) replant the *trees* within a time period prescribed by the Administrator;

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- (b) water, fertilize and maintain the replacement *trees* in accordance with sound horticultural practice; and

- (c) provide the Municipality with an undertaking of \$1000 per replacement to ensure the replacement trees are maintained in good health and to replace any replacement trees should any not survive during the initial three (3) year period. The undertaking will be returned to the owner of the property after 3 years and confirmation by the Administrator that all of the replacement trees have survived. If the replacement trees are not in good health or have not survived, the undertaking shall be forfeit and retained by the Village.

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12. Application for Tree Cutting Permits

- (1) Every application for a *permit* shall be made to the Administrator and shall be generally in the form and contain the information as set out in Schedule A of this Bylaw.

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- (2) The fee for a *permit* shall be determined as generally set out in Schedule B of this Bylaw and shall be paid upon application for a *permit*.

- (3) In considering an application for a *permit*, the *Administrator* will consider and assess the following and other factors relating to the proposed application:

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- compliance with the requirements of this Bylaw,
- the need for replacement trees,
- the need for drainage, noise or dust control measures,
- significant topographic and hydrographic features and other site information;
- compliance with Provincial bird nesting regulations;
- risk of contamination of watercourses, and
- risk of flooding, erosion and landslip,

and may, in relation to any of the aforementioned factors, request that the applicant provide one or more reports, at the applicant's expense, from a *Qualified Environmental Professional* in consideration of the *permit* application.

- (4) No application for a *permit* shall be complete unless the application contains all applicable information required in the application form and otherwise under this Bylaw, and the prescribed fee has been paid.
- (5) A *permit* is valid for the period specified on the *permit* that shall not exceed 90 days.

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Annual allowance to cut down 2 trees per year per parcel

- (6) A *permit to cut down trees* shall be in the form as set in Schedule C.
13. Permit Conditions

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- (1) The *Administrator* may, as a condition of issuance of a *permit*, require, among other things, that:

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- (a) replacement *trees* be planted as specified in Section 11; or
- (b) stumps remain in place in order to assist in the prevention of erosion in areas where trees were cut that are over 20% slope.

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- (2) The *Administrator* may suspend, revoke or cancel a 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.

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14. Professional Reports

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Where the *Administrator* considers that there is a risk of flooding, erosion, landslip or contamination of a *watercourse*, the *Administrator* may require an applicant for a *permit* to submit, at the applicant's expense, a report prepared by a *Qualified Environmental Professional* or a qualified professional geotechnical or hydrological engineer.

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15. Municipal Works

Nothing contained in this Bylaw shall apply to a *tree* growing on a highway, park, right of way or easement belonging to the Municipality nor to any public utility works where the works are carried out by or under the authority of the Municipality.

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¶
(1) . The applicant for a *permit* that is subject to a decision of the *Committee* may request that Council reconsider the decision or any conditions attached to the decision. ¶

¶
(2) . A request for reconsideration under this section shall: ¶

¶
(a) . be made in writing; and¶

¶
(b) . be submitted to the *Committee* within 30 days of the date of the *Committee's* decision. ¶

¶
(3) . Following receipt of an application for reconsideration under this section, the *Administrator* shall notify the applicant of the time, date and place that the application will be placed before the Council. ¶

¶
(4) . Notification from the *Administrator* in accordance with subsection (3) shall: ¶

¶
(a) . state that the reconsideration by the Council at the time, date and place specified will include a reasonable opportunity to be heard or make written submission on the matter either in person, or through an agent, or both; and ¶

¶
(b) . be mailed or otherwise delivered to the applicant at least 10 days before the date set for reconsideration by the Council. ¶

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18

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16. Inspection and Authority to Enter Upon a Property

(1) Every officer and employee of the Village is authorized to enter onto any property at all reasonable times and upon reasonable notice in order to ascertain whether the requirements of this bylaw are being met and regulations observed.

(2) No person may obstruct or attempt to obstruct any person from enforcing this bylaw, including any person enforcing this bylaw by inspected a property pursuant to section (1) of this bylaw.

(3) Where the *Administrator* considers that a contravention to this Bylaw, or any permit, the *Administrator* may notify the owner in writing of the contravention and require that measures be taken to remedy the contravention within a certain time period.

(4) A person to whom a notice is delivered under subsection 16(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.

17. Offence and Penalty

(1) Any person who contravenes any provision of this Bylaw by doing, causing, suffering or permitting any act which it forbids or by failing to carry out any action which is required to be done, is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 and not more than \$10,000, and where the offence is a continuing one, each day that the offence is continued, shall constitute a separate offence.

- (2) Without limiting the generality of Section 17 (1), any person who cuts down a tree in violation of this Bylaw is guilty of an offence and, in addition to any other penalty imposed under this Bylaw, is liable on summary conviction to a fine of \$2000 for each *tree* unlawfully cut down, for a first offence, and for each subsequent offence, to a fine of not less than \$5000.00 for each *tree* unlawfully cut down.
- (3) Any person who contravenes a condition of a *permit* issued under this Bylaw by doing, causing, suffering or permitting any act which it forbids or by failing to carry out an action which is required to be done, commits an offence and is liable on summary conviction to a fine of not less than \$2000.00 for each contravention, for a first offence, and for each subsequent offence, to a fine of not less than \$5000.00 for each contravention.
- (4) It shall be an offence under this Bylaw for any owner or occupier of land or any person acting under the authority of any *owner* or occupier to hire, permit or suffer another person to cut down or damage a *tree*, or do any other act prohibited by this Bylaw.

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READ A FIRST TIME this XXX day of October, 2018.

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READ A SECOND TIME this XXX day of October, 2018.

Deleted: 2007

READ A THIRD TIME this XXX day of March, 2018.

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RECONSIDERED AND FINALLY ADOPTED this XXX day of March, 2018.

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Mayor

Manager of Corporate Services

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SCHEDULE A**VILLAGE OF ANMORE****Application for a Tree Permit**

1. I, _____ of _____ make application to cut down and remove those trees located at _____ and legally described as _____ identified and shown on the sketch of the property attached to this application.
2. Attached and forming part of this application is an accurate plan of the property drawn to a scale of _____ correctly showing:
 - a) the location, species, and diameter of the trees proposed for removal;
 - b) the location of any watercourses, wetlands, or steep slopes; and
 - c) a report from a Certified Arborist, Professional Forester, or Registered Professional Biologist that confirms that not less than 20% of the lot will be covered with existing or replanted *trees* in combination with *native vegetation*, and increasing 5% for every 0.4 ha (1 acre) above a 0.4 ha (1 acre) lot, including the submission of a Replanting Plan if applicable.
3. Enclosed is a cheque payable to the Village of Anmore in the amount of \$500.00 in accordance with the requirement of Schedule B of the Bylaw.

Dated the _____ day of _____, 200__.

Signature of Owner

NOTE: Where the Applicant is not the registered owner, the Application will not be accepted unless the Village receives a signed letter from the registered owner authorizing the Applicant to apply for the Permit and acknowledging that the registered owner will be responsible for compliance with all of the provisions of the Tree Management Bylaw.

AMENDED BY BYLAW NO. 469-2009

SCHEDULE B

TREE PERMIT APPLICATION FEES

Tree Permit: \$500.00

SCHEDULE C**VILLAGE OF ANMORE****Sample Tree Permit**

Tree Permit No. 200__ - ____

1. This Permit is issued pursuant to Village of Anmore Tree Management Bylaw No, 430, 2007 and applies to the following land:

Civic Address: _____

Legal Description: _____

2. This Permit authorizes the cutting and removal of only the trees identified in Schedule 1 of this Permit, subject to the following conditions:

a) _____;

b) _____; and

c) _____.

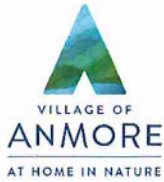
3. Any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of Village of Anmore Tree Management Bylaw No, 430, 2007.

Dated the ____ day of _____, 200__.

Administrator

I, _____, certify that I shall be responsible for the removal of trees to be in strict compliance with the Village of Anmore Tree Management Bylaw No. 430, 2007.

Registered Owner_____
Date



VILLAGE OF ANMORE

REPORT TO COUNCIL

Date: September 12, 2018

Submitted by: Jason Smith, Manager of Development Services

Subject: Rezoning Application for 2307 Sunnyside Road - Cordovado

Purpose / Introduction

The purpose of this report is to provide Council with the latest development proposal for 2307 Sunnyside Road, which includes a revised site plan and an update Community Amenity Contribution package.

Recommended Options

That Council refer the rezoning proposal for 2307 Sunnyside Road to the Advisory Planning Commission and the Parks and Recreation Committee for comment.

Background

The Village is in receipt of a rezoning proposal for 2307 Sunnyside Road. This proposal came before Council late in 2017 and Council provided feedback to the applicant and directed staff to hire a land economist to evaluate the community amenity package being offered by the proponent.

Discussion

Proposed Development

The proposal is for 19 lot single family dwelling development that would be accommodated through the creation of a Comprehensive Development (CD) zone. The site is 13.41 acres in size and currently zoned Residential 1 (RS-1) and the proposed density is 1.42 units/acre. The proposal would include the possibility of secondary suites but coach houses would not be permitted.

The original proposal that was presented to Council contained duplexes and a strata road. Based on Council's comments the proponent has altered to the plan to include a public road with a 20 metre right of way and removed duplexes from the property. The full details of the proposal can be seen in the attached site plan.

Report/Recommendation to Council

Rezoning Application for 2307 Sunnyside Road - Cordovado

September 12, 2018

Community Amenities

Park and Green Space

The proposal would see 34% percent of the site dedicated to the Village as park and green space. Within the park the applicant is proposing to dedicate and construct a network of trails. These trails would provide important linkages from the corner of Sunnyside Road and Ludlow Lane to the Anmore Elementary School as well as providing connection into the loco lands.

Increased Sunnyside Road Right of Way

Sunnyside Road currently encroaches onto the 2307 Sunnyside Road property and this proposal would rectify this situation. Staff have investigated the history of Sunnyside Road and there appears to have been an error made decades ago whereby a road dedication affecting this property had been drawn up but never registered at Land Titles. Sunnyside Road is one of two primary access roads for the Village and it is critical that this road be located entirely within road right of way to ensure legal access for maintenance and any possible future expansion.

Village Hall/Community Space Contribution

The applicant is offering to make a contribution of \$493,500 to Village for use towards the future construction of a new Village Hall/Community Space. This is an increase from \$450,000 that was originally proposed. The increase was made in response to the GP Rollo report that the Village commissioned, at the proponent's expense, to review to the development proposal and advise the Village as to what 50% of the value of the lift being realized through the rezoning would be (attachment 2).

Official Community Plan Analysis

Staff have reviewed the development proposal for consistency with the Official Community Plan (OCP) and offer the following analysis:

The current development proposal would have a density of 1.42 units/acre and is seeking to be rezoned under the CD zoning policy in the OCP, which is policy RLU-8. This policy lays out three circumstances where a CD zone could be considered. This proposal is seeking to be considered under the following:

Proposed development delivers a demonstrable and overall benefit to the community, socially, environmentally or economically.

Report/Recommendation to Council

Rezoning Application for 2307 Sunnyside Road - Cordovado

September 12, 2018

The policy then goes on to identify three criteria that a CD zone must comply with. Firstly, that it upholds the intentions and strategies described in OCP policy RLU-3. Second that the density not exceed 1.8 units/acre. Third, that the development anticipates and employs strategies to minimize the financial implications to the Village in terms of ongoing infrastructure maintenance and replacement requirements.

Policy RLU-3 encourage development proposals to be mindful of the impact of development on environmental features and systems. This proposal concentrates development on a smaller footprint than would otherwise be realized through an RS-1 subdivision. The view impacts will be minimal as nearly all of the new development will be separated from any existing development by green space.

Community amenities are contemplated in OCP Policy RLU-10 and RLU-11. The proposed amenity package offered by the proponent would satisfy these policies.

Proposed Next Steps

Staff recommend that this rezoning proposal be referred to the Advisory Planning Commission and the Parks and Recreation Committee for comment. Should Council support this recommendation, staff would then return to Council with the comments from both groups and a draft bylaw for consideration.

Other Options

The following options are provided for Council's consideration:

1. That Council refer the rezoning proposal for 2307 Sunnyside Road to the Advisory Planning Commission and the Parks and Recreation Committee for comment.
[Recommended]; or
2. That Council advise staff and the proponent that they do not wish to proceed any further with this rezoning application; or
3. That Council advise staff and the proponent of further changes to the rezoning proposal that would have to be made prior to proceeding with a referral.

Report/Recommendation to Council

Rezoning Application for 2307 Sunnyside Road - Cordovado

September 12, 2018

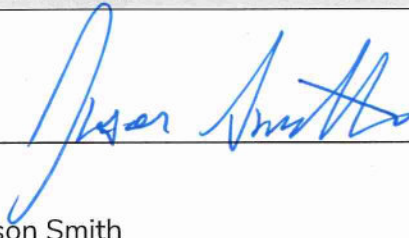
Financial Implications

There are no financial implications for any of the options presented.

Attachments:

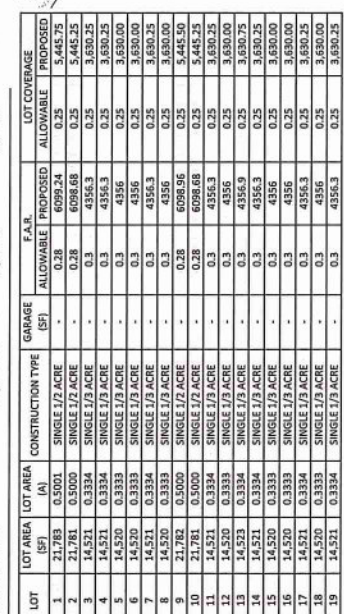
1. Site Plan for 2307 Sunnyside Road
2. GP Rollo CAC Analysis Report

Prepared by:



Jason Smith

Manager of Development Services





August 16, 2018

Jason Smith
Village of Anmore
2697 Sunnyside Road
Anmore, BC V3H 5G9

Re: 2307 Sunnyside Road Land Lift Analysis

G.P. Rollo & Associates (GPRA) has been retained by the Village of Anmore to complete a land lift and amenity contribution analysis for the rezoning of 2307 Sunnyside Road (hereafter referred to as 'the Site') from the current RS-1 Residential Zone to the proposed CD Zone by the property owner. The purpose of the analysis is to estimate the land lift and amenity contribution on the 13.41 acre site from a change in Zoning from current planning that would permit 11 single family lots (identified as the 'base density') to a new Zone that would permit up to 19 single family lots on the Site. The land lift is identified as the difference in supported land value between the two Zonings.

The analysis consisted of preparation of residual land value analyses which determines the maximum value that a developer could afford to pay for the Site if developed under both the proposed CD Zone and the base density. GPRA used standard developer proformas to model the economics of typical development as proposed/allowed under the new zoning. The 'Lift' is then calculated as the difference in residual land values under the current Zone and that which has been proposed in the new CD Zone.

METHODOLOGY & ASSUMPTIONS

The Site is approximately 13.41 acres and can be developed under current zoning with 11 single family residential lots of roughly an acre in size each. The proposed rezoning would subdivide the parcel into 19 lots comprised of four 1/2 acre lots and fifteen 1/3 acre lots for development as single family residential.

The analyses are created using a standard developer proforma wherein estimates of revenues and costs are inputs and the remaining variable is the desired output. In typical proformas this output is usually profit, following a revenues minus costs equals profit formula.

For a residual land valuation, however, an assumption on developer's return needs to be included in order to leave the land value as the variable to solve for. The residual values are the maximum supported land value a developer could pay for the site (under the density and conditions tested) while achieving an acceptable return for their project. It is possible for a typical static proforma analysis to misrepresent the viability of a project by not properly accounting for the time that it will take to develop and market. In these cases the preferable methodology to employ is the use of a discounted cash flow analysis, wherein one forecasts out estimates of revenues and costs over a

number of years, with viability being determined through a calculation of an Internal Rate of Return (IRR). For this project, GPRA has derived the residual land value based on the development achieving an IRR of 15%.

The residual land values determined from this analysis of the Site as proposed for 19 lots is then compared to the value of the Site under it's the base density. This change in value, or "lift," is the total potential monies that are available for public amenities or other public works not considered as part of the analysis. GPRA have made allowances for improvements that would typically be incurred through development such as proposed. Any additional improvements that would be specifically required by the Village only from the proposed rezoning and not from development under current zoning would impact the lift and would need to be identified, priced, and included in a revised analysis.

Typically there is some sharing of the lift value between the Jurisdiction and the developer, but the percentage shared varies by community and by project. It is GPRA's understanding that in compliance with current policy, the Village has determined that they will seek 50% of the lift for amenities.

GPRA determined sales revenues used in the analyses from a review of recent sales and offerings for sale of land and built single family homes within roughly 20 km of the Site, with a focus on projects that were deemed comparable to that which has been proposed for the Site. Project costs were derived from sources deemed reliable, including information readily available from quantity surveyors on average hard construction costs in the area. Development or soft costs have been drawn from industry standards, and from the Village's sources. All other assumptions have been derived from a review of the market and from other sources deemed reliable by GPRA.

CONCLUSIONS & RECOMMENDATIONS

GPRA identifies the lift (the lift being defined as the difference in supported land value for the property developed for 19 lots comprised of four 1/2 acre lots and fifteen 1/3 acre lots and the base value for 11 one acre lots on the Site from rezoning as being roughly \$987,000. As such, the Village share at 50% of the lift would be \$493,500 that could be sought as an amenity contribution.

I trust that our work will be of use in the Village's decision on the rezoning of 2307 Sunnyside Road. I am available to discuss this further at your convenience.



Gerry Mulholland | Vice President
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E gerry@rolloassociates.com | W www.rolloassociates.com