

ENVIRONMENT COMMITTEE MEETING – MINUTES

Minutes of the Environment Committee Meeting held on Thursday, October 18, 2018 in Council Chambers at Village Hall, 2697 Sunnyside Road, Anmore, BC



MEMBERS PRESENT

Councillor Paul Weverink, Chair
Grace Bergman
Trudy Schneider

MEMBERS ABSENT

Coleen Hackinen
Babak Taghvaei

OTHERS PRESENT

Jason Smith, Manager of Development Services

1. CALL TO ORDER

Chair Weverink called the meeting to order at 7:06 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 September 20, 2018

It was MOVED and SECONDED:

“THAT THE MINUTES OF THE ENVIRONMENT COMMITTEE MEETING HELD ON SEPTEMBER 20, 2018 BE ADOPTED AS CIRCULATED.”

CARRIED UNANIMOUSLY

4. BUSINESS ARISING FROM THE MINUTES

Nil

5. UNFINISHED BUSINESS

Nil

6. NEW BUSINESS

(a) **Tree Management Bylaw (Draft)**

Jason Smith presented the staff report as presented to Council on September 20, 2018.

Members discussed comments and recommendations dated October 17, 2018 provided by Coleen Hackinen. The comments and recommendations are included as Attachment 1 form part of the original minutes. The following points were highlighted during discussion:

- Removing the wording in combination with native vegetation - Trees are an Ecosystem which includes everything under them;
 - Hard to replace native vegetation
 - Authority is specific to tree cutting; currently no power for anything under the trees
 - Another municipality identified through an ecosystem level mapping
 - Hard to determine what is native vegetation
 - Members agreed that this suggestion may not be able to be achieved during this bylaw, would not have the authority at this time
- Replacement tree minimize sizes in the existing draft revision of the tree management bylaw are 4 meters in height – Possibly too high?
 - Smaller trees possibly have a better chance than larger; could adjust size
 - Larger tree, you would have replacement tree quicker
 - Members agreed to amend the replacement size to 3 meters in height
- Allowing removal of 2 trees per calendar years on less than 1 acre lots; larger lots, an additional tree for every acre you have;
 - Create a separate permit at a nominal fee for tracking purposes
 - More of a formality; gives the ability to enforce
 - Members agreed and supported the above statement
- Trees within Riparian Area or a Wetland - a permit will be issued to cut down a tree within a riparian area or wetland where the tree removal has been approved in the case of a dangerous or dead tree
- “Watercourse” reference to be replaced by the word “Stream”
- “Owner” definition to be adjusted to include strata corporations
- Removal of dangerous trees; arborist required
 - Permit is required – fee is waived
 - 2 replacement trees required to be replanted for every 1 dangerous removed
 - No replacement trees required when removing 2 live trees

- Bonding requirements to be discussed through village lawyers
- 20% of lot coverage will be determined by the drip line of trees

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

Jason Smith presented the staff report as presented to Council on September 12, 2018. The following points were highlighted during discussions:

- 19 lot development, single family
- 34% land is parks and greenspace
- 3rd time that proposal has been brought to council
- Proposal is positive
- Will need to follow the village's trail standard

It was MOVED and SECONDED:

“THAT THE DEVELOPER MAINTAINS EXISTING 20% TREE COVERAGE ON EACH LOT AND COMPLIES WITH THE TREE MANAGEMENT BYLAW.”

CARRIED UNANIMOUSLY

It was MOVED and SECONDED:

“THAT THE DEVELOPER BUILDS EACH HOME TO STEP 2 OF THE BC ENERGY STEP CODE AND THE ENVIRONMENT COMMITTEE ENCOURAGES THE BUILDER TO EXCEED THIS LEVEL.”

CARRIED UNANIMOUSLY

7. ADJOURNMENT

It was MOVED and SECONDED:

“TO ADJOURN.”

CARRIED UNANIMOUSLY

The meeting adjourned at 8:50 p.m.

Certified Correct:

Approved:

Juli Halliwell
CAO

Councillor Paul Weverink
Chair, Environment Committee

ATTACHMENT 1

Coleen Hackinen
[REDACTED]

Anmore, BC [REDACTED]

17 October 2018

Anmore Environment Committee
c/o Paul Weverink, Chair

Re: Environment Committee meeting 18 October 2018 - Tree Management Bylaw (TMB)

Dear Committee:

Please accept my apologies for not being able to attend tomorrow night's meeting. I am providing the following comments for your consideration.

1. I am concerned about removing the wording "*in combination with native vegetation*" throughout the bylaw. If Anmore's objective is to retain a natural environment, then more than just trees need to be retained. A natural and undisturbed soil profile (which includes all the flora and fauna necessary for a healthy system, including tree health), groundcover and understory are critical to support a natural environment. If you recall the movie Avatar, there was more truth than fiction in the portrayal of the vegetation on the planet being interconnected. We know that soil fungi and bacteria form symbiotic relationships with trees and support subsurface interconnections between trees (and other plants) which aid the tree in obtaining nutrients and protecting it from disease. Disruption of those systems can impact tree health, especially for native species.

I acknowledge Jason's concern, as indicated in the last bullet on page 1 of the 29 August 2018 report to council, that the purported loophole should be closed so that trees must be replanted rather than replacing the lost coverage with understory plants (e.g. salal). I believe, however, that this is already addressed in section 11 (Replacement Trees). If that is not considered adequate, a definition of "Replacement Tree" (which does not include understory plants) could be added in section 2 and referenced in section 11.

2. Replacement tree minimum sizes in the existing and draft revision of the TMB are 4.0 m in height for conifers and 7 cm diameter for deciduous trees. I searched the internet for what other local governments specify and where they do, found the height range for conifers to be from 1.2 m (District of North Vancouver) to 3.0 m (Coquitlam, Surrey, Abbotsford, Saanich) and for deciduous trees 4 cm (Saanich) to 7 cm (Port Moody). More details and links to the respective bylaws are provided at the end of this document.

In my opinion, Anmore's replacement tree minimum height for a conifer should not exceed the highest value used by other local governments (i.e. 3.0 m) unless a rationale for requiring a larger tree can be demonstrated, perhaps by discussing the matter with a qualified professional. I think there should be a balance between the replacement tree height requirement, tree success odds, practicality and cost.

3. I understand from my telephone discussion with Jason on 16 October 2018 that there is the intent to continue to allow an annual allowance to cut down 2 trees per year for lots < 1 acre plus 1 additional tree for every additional 1 acre of lot area [as per current bylaw section (2)(c) (see

<http://anmore.com/wp-content/uploads/2017/05/Tree-Management-Bylaw-No.-430-2007.pdf>]. I

understand that even in this circumstance a tree cutting permit will be required, however, there will be no requirement for an arborist's report and that the permit fee will be nominal (e.g. \$10.00 range). I support this.

4. Section 8 "Trees within Riparian Areas or a Wetland" appears to me to be inconsistent with provisions of section 4 of the Riparian Areas Regulation (RAR) **which prohibits a local government from approving or allowing development** ("development", as defined in RAR includes "removal, alteration, disruption or destruction of vegetation" and as such **would include issuance of a tree cutting permit**) **unless:**
 - 4 (1) In respect of development proposals related wholly or partially to riparian assessment areas within the jurisdiction of a local government, a local government must not approve or allow development to proceed in those riparian assessment areas unless the development proceeds in accordance with subsection (2) or (3).
 - (2) A local government may approve or allow development to proceed if the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been
 - (a) notified of the development proposal, and
 - (b) provided with a copy of an assessment report, prepared by a qualified environmental professional who has carried out an assessment, that
 - (i) certifies that the qualified environmental professional is qualified to carry out the assessment,
 - (ii) certifies that the assessment methods have been followed, and
 - (iii) provides the professional opinion of the qualified environmental professional that
 - (A) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (B) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.
 - (3) A local government may approve or allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the *Fisheries Act* (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.

(see RAR at: http://www.bclaws.ca/civix/document/id/complete/statreg/376_2004)

I am waiting for a call back from an Ecosystem Biologist with the BC Ministry of Forest, Lands and Natural Resource Operations, Fish & Aquatic Wildlife Resources Section. I wish to obtain clarity on what the ministry expects to happen when an owner makes application to the Village for removal of a dangerous tree(s) within a riparian area. I will let you know what I find out when they call me back.

Some municipalities include a clause in their TMB which explicitly states that they may refuse an application if it would be in contravention of RAR. I raise this as a suggestion for inclusion in Anmore's TMB in Section 8. For example, City of Nanaimo's bylaw Section 11(2) which reads:

The City may also refuse an application for the cutting or removal of a tree if this would cause a breach of the City's obligations under the Riparian Areas Regulation (see <https://www.nanaimo.ca/docs/services/home-and-property/tree-protection-bylaw-7126.pdf>)

5. Section 8(2) of the revised draft TMB refers to Section 4(2)(a), which does not exist. I believe it was meant to refer to an emergency situation, which has been deleted from the revised draft TMB. Most bylaws from other municipalities that I had a look at included a clause regarding emergency removal of trees which pose imminent danger. I would appreciate finding out what the rationale was for removing that sort of provision from our TMB.
6. I understand that there have been circumstances on 1 acre lots with unusual configurations (e.g. extremely long panhandles) where it is not possible or it is very impractical to meet requirements of the TMB. Based on my discussion with Jason, I understand that in these situations, Village staff try to work out a solution and that this is done informally. I understand the need for flexibility in these cases but am concerned that that is presently done in an "informal" manner. It would be my preference to include a clause in the TMB which speaks to these situations. Perhaps the wording could include "xx (requirement) shall be carried out in accordance with recommendations of a Qualified Environmental Professional and satisfactory to the Administrator".
7. I believe the definition of "Watercourse" in Section 2 is a hold over from a former BC statute and that term is no longer used provincially. In order to ensure compliance with the Riparian Areas Regulation (RAR) under the BC *Fish Protection Act*, I suggest replacing "Watercourse" with "Stream" as defined in RAR, which reads:

"stream" includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook;
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);

In that event, "watercourse" would need to be replaced with "stream" throughout the bylaw.

8. The definition of "Owner" in Section 2 references an owner of fee simple land. If land owned by a strata corporation is not fee simple (I don't know but am concerned that it might not be) then the definition of "Owner" should be modified to include whatever type of land holding designation applies to strata corporation land. This is important to ensure that requirements of our bylaw also apply to common land at, for example, Countryside Estates.
9. I understand from my discussion with Jason is that a permit will always be required. In that case, I suggest that the wording "where a permit is required" be deleted from the bylaw [e.g. Sections 5(1), 6(2)]. If in fact there will be exemptions to requiring a permit, there should be a separate section which lists under what circumstances a permit is not required.
10. In discussion with Jason, the revised draft TMB is not clear regarding whether replacement trees are required where a permit is issued to remove a dangerous tree. I support Jason's recommendation that tree replacement for dangerous trees should be the same as when a non-dangerous tree is cut down and that clarification of this be made in Section 9 "Removal of Dangerous Trees".
11. My understanding in discussion with Jason is that Sections 5(3) and 6(3) refer to lots where historical clearing occurred such that existing trees in combination with native vegetation cover < 20% of the lot at the time of application for a tree cutting permit. In this circumstance he suggested that the owner would be required to replant 3 trees for each tree cut down under permit but the owner would not be required to replant to achieve 20% coverage. In that event, the wording of these clauses require revision.

This is an important issue. On the one hand, I question whether the owner should be permitted to cut down any non-dangerous trees if the lot coverage is already < 20%. Requiring replanting to 20% coverage, however, may be unduly punitive (i.e. costly and potentially impractical) on an owner who had no role in the historical clearing. Perhaps requiring replanting with more than 3 trees (e.g. 5?) would provide a better balance between goals of the bylaw and practicality.

12. "Assessor" is misspelled in Section 2 "Certified Tree Risk **Assesor**" and "*Dangerous Tree*" means a tree, identified in writing by a Certified Tree Risk **Assesor**..."
13. Definition of "Cut Down" in Section 2. Suggest edits (in bold, as follows) in order to cover other means by which a tree may be deliberately killed:

*"Cut down" means to kill, **damage** or remove a tree by any means and includes the topping of a tree, **disruption or damage to the tree root system within the dripline of a tree, poisoning a tree** and the removal of any branch or trunk of a tree having a diameter of more than 10 cm (3.9") but does not include the normal pruning of a tree.*
14. Add comma after "cause" in Section 3.
15. Section 9(2) refers to a "Certified Tree Assessor" but should be "Certified Tree **Risk** Assessor", as defined.
16. Section 11(2) speaks to replacing trees that were unlawfully cut down. The clause reads "...person shall replant **five (3)** trees for every tree...". It is unclear whether the number of replacement trees is intended to be five or three. The existing TMB requires five replacement trees. I support that if it

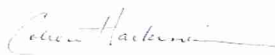
is practical to establish whether the current owner unlawfully cut down a tree (i.e. did so when the TMB was in effect).

17. Section 11(2)(c) \$1000 should read \$1,000 (i.e. insert comma).
18. The bonding terms in the existing TMB whereby security associated with replacement trees is held by the Village for 3 years before being returned (in the event that all trees survive). This provision has been carried over into the revised draft. I was informed by a resident that the 3 year period for holding the security is excessive and inconsistent with neighbouring municipalities. I have not had time to look into this. I believe it warrants discussion and hope that Jason can provide information on what our neighbouring municipalities do.

As a general comment, I believe it will be difficult, if not impossible, to meet the TMB 20% coverage requirement on small lots (i.e. < 1 acre) without jeopardizing the integrity of buildings from falling trees and/or meeting the FireSmart Homeowner's Manual recommendation of 10 m "no tree" buffer around buildings (see https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/wildfire-management/prevention/prevention-home-community/bcws_homeowner_firesmart_manual.pdf). This dilemma will require further thought. Perhaps there needs to be different requirements (less stringent) for lots less than 1 acre. This would need to be weighed against Anmore's purported desire to retain a semi-rural character and natural environment.

Thank you for the opportunity to comment.

Sincerely,



Coleen Hackinen

Replacement tree size information (regarding Comment 2 above)

City of Port Moody Bylaw No. 2961 Schedule A section 3(d) "notwithstanding the definition of Tree, each Replacement Tree shall be a minimum height of 1.5 metres if coniferous and a minimum diameter of seven (7) centimetres, measured at the base of the Tree if deciduous, unless otherwise authorized by the General Manager." (see <http://www.portmoody.ca/modules/showdocument.aspx?documentid=9775>)

City of Coquitlam - Replacement tree size varies with species (see <https://www.coquitlam.ca/docs/default-source/city-hall-files/Standards for Tree Cutting Permit Applicants.pdf?sfvrsn=10>). "Large Conifer Species" all 3 m height e.g. Douglas fir (*Pseudotsuga menziesii*) and Western red cedar (*Thuja plicata*). "Medium Conifer Species" e.g. Shore Pine (*Pinus contorta*) all 2 m height. "Large Deciduous Species" e.g. Bigleaf Maple (*Acer macrophyllum*) minimum caliper size 6 cm.

City of Surrey – replacement tree size, 3 m for conifers and 5 cm caliper if deciduous (see https://www.surrey.ca/files/TREE_BYLAW_INTRODUCTION_AND_OVERVIEW.pdf)

City of Abbotsford – replacement tree size 3 m for conifers and caliper size 6 cm for deciduous (see Schedule C at: [https://abbotsford.civicweb.net/document/2591/1831-2009%20Tree%20Protection%20Bylaw,%202010,%20CONS%20\(2016%20.pdf?handle=4340D51E7FD64917B08051850EFAA845\)](https://abbotsford.civicweb.net/document/2591/1831-2009%20Tree%20Protection%20Bylaw,%202010,%20CONS%20(2016%20.pdf?handle=4340D51E7FD64917B08051850EFAA845)))

Village of Lions Bay – replacement tree size “section 3.9.2.3 Ensure that replacement trees are of a minimum size approved by Council.” (see https://www.lionsbay.ca/sites/2/files/docs/bylaws/bylaw_393_-_tree_bylaw_no.393_2007_consolidation_vf.pdf)

District of North Vancouver – replacement tree size “*Tree stock should be a minimum of 1.2 metres (4 feet) in height when purchased*” (see <https://www.dnv.org/sites/default/files/edocs/native-tree-and-shrub-list-for-restoration-planting.pdf>)

District of Saanich – replacement trees size for deciduous 4 cm in diameter at 15 cm above ground and 3 m for conifers (see s 44.a in bylaw at: <http://www.saanich.ca/assets/Local~Government/Documents/Bylaws~and~Policies/tree-protection-bylaw-2014-no-9272.pdf>)

City of Nanaimo – replacement tree size varies with size of tree cut e.g. Cut tree of DBH 100 mm replace with 2 trees of 1.5 m, e.g. Cut tree of DBH > 610 mm replaced with 8 trees of 2 m (see Schedule G at <https://www.nanaimo.ca/docs/services/home-and-property/tree-protection-bylaw-7126.pdf>)