

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9548

TO AMEND BYLAW NO. 9272,
BEING THE "TREE PROTECTION BYLAW, 2014, No. 9272"

The Municipal Council of The Corporation of the District of Saanich enacts as follows:

1. Tree Protection Bylaw, 2014, No. 9272 is hereby amended as follows:

(a) In subsection h) of the definition of "PROTECTED TREE" in section 2, by deleting the words "nest or use by" and replacing them with the words "nest used by";

(b) By adding the following subsection to the definition of "PROTECTED TREE" in section 2:

"i) any tree growing on Saanich-owned property";

(c) By adding the following definitions to section 2:

"ARBORICULTURE INSPECTOR means an Arboriculture Inspector employed by the District of Saanich."

"PARKS DEVELOPMENT REVIEW COORDINATOR means a Development Review Coordinator employed by the District of Saanich."

"PERMIT COORDINATOR means a Permit Coordinator employed by the District of Saanich.";

(d) By deleting the word "fence" from subsections 29 b) and c), and replacing it with the words "tree protection barrier";

(e) By deleting subsection 29 d) and replacing it with the following:

"d) there shall be posted and continuously maintained on the tree protection barrier an all-weather sign in accordance with the requirements set out in Schedule "C" of this Bylaw;"

(f) By adding the following as section 29A:

"29A. Despite section 29, where necessary, the Director of Parks and Recreation may authorize the carrying out of tree damaging activities without a tree protection barrier in place. Such authorization must be in writing, and may include any terms and conditions considered necessary by the Director of Parks and Recreation to

minimize damage to protected trees, including a condition that any work be conducted under the supervision of an arborist.”

(g) By deleting section 31 and replacing it with the following:

“31. Every application for a tree cutting permit on lots pursuant to s. 19 a), b), c), d), g), h), i), j), k) or s. 26 where no rezoning or development permit is required for the development or tree damaging activity for which the protected tree alteration, cutting, damaging or cutting or removal is required shall be made to the Director of Parks and Recreation and shall be accompanied by a non-refundable application fee and per unit fee, plus a security deposit for replacement trees as set out in the table below:

Section Number	Tree Cutting Permit Application Fee	Per Unit Fee	Replacement Tree Security Deposit
s. 19 a), b), c), d) and g)	\$0	\$0	\$300.00 per replacement tree
s. 19 h), i), j), k) or s. 26	\$50.00	\$30.00 per additional tree	\$700.00 per replacement tree

(h) By deleting section 32 and replacing it with the following:

“32. Every application for a tree cutting permit on lots pursuant to s. 19 a), b), c), d), g), h), i), j), k) or s. 26 where a rezoning or development permit is required for the development or tree damaging activity for which the protected tree alteration, cutting, damaging or cutting or removal is required shall be made to the Director of Parks and Recreation and shall be accompanied by a non-refundable application fee and per unit fee, plus a security deposit for replacement trees as set out in the table below:

Section Number	Tree Cutting Permit Application Fee	Per Unit Fee	Replacement Tree Security Deposit
s. 19 a), b), c), d) and g)	\$0	\$0	\$300.00 per replacement tree
s. 19 h), i), j), k) or s. 26	\$100.00	\$30.00 per additional tree	\$700.00 per replacement tree

(i) By deleting the figure "\$35.00" from section 34, and replacing it with the figure "\$40.00";

(j) By deleting section 40 and replacing it with the following:

"40. Replacement trees are required for trees permitted for removal under sections 19 a), b), c), d) and g), except that the Director of Parks and Recreation may waive the requirement for a replacement tree required for a tree permitted for removal under section 19 a) where the applicant demonstrates one or more of the following to the satisfaction of the Director of Parks and Recreation:

- a) that due to its size the lot will not accommodate a replacement tree in accordance with sound arboricultural practices;
- b) that due to soil quality or other site conditions on the lot, a replacement tree is unlikely to survive; or
- c) that the tree permitted for removal under section 19 a) became hazardous, or became dead, damaged, diseased or in decline beyond expectation of recovery, due to causes other than the acts or omissions of the applicant or previous owners or occupiers of the lot.;"

(k) By deleting section 41 and replacing it with the following:

"41. No replacement trees are required for protected trees permitted for removal under s. 19 e) and f).;"

(l) By deleting section 42 and replacing it with the following:

"42. Replacement trees required for trees permitted for altering, cutting, damage or removal under s. 19 a), b), c), d), g), h), i), j), and k) and s. 26 shall be planted, where possible, on the same lot on which the protected tree is altered, cut, damaged or removed, to the extent that the lot will accommodate such replacement trees in accordance with sound arboricultural practices."

(m) By deleting section 44 and replacing it with the following:

"44. The size and number of replacement trees required shall be as follows:

- a) A replacement tree that is deciduous must be not less than 4 centimetres in diameter measured at 15 centimetres above ground;
- b) A replacement tree that is coniferous must be not less than 3 metres in height;
- c) Despite subsections a) and b), if a replacement tree is a native species listed in Schedule "D" of this bylaw, then such replacement tree shall be not less than the minimum size prescribed for such species in Schedule "D";
- d) For each tree altered, cut, damaged or removed under sections 19 a), b), c),

d) or g), or Section 26, one (1) replacement tree is required;

e) For each tree altered, cut, damaged or removed under sections 19 h) or i), two (2) replacement trees are required;

f) For each tree altered, cut, damaged or removed under section 19 j) or k), three (3) replacement trees are required.”

(n) By deleting section 45 and replacing it with the following:

“45. If, in the assessment of the Director of Parks and Recreation, the lot cannot accommodate the required number of replacement trees for each protected tree that is altered, cut, damaged or removed without compromising sound arboricultural practices, due to the size or other characteristics of the lot, the owner shall be required to pay to The Corporation of the District of Saanich for each replacement tree that cannot be accommodated, other than a replacement tree for which the requirement has been waived by the Director of Parks and Recreation under section 40, cash-in-lieu in the following amounts:

a) For replacement trees for each tree altered, cut, damaged or removed under sections 19 a), b), c), d) or g), the sum of THREE HUNDRED (\$300.00) DOLLARS per replacement tree; and

b) For replacement trees for each tree altered, cut, damaged or removed under sections 19 h), i), j) or k), the sum of SEVEN HUNDRED (\$700.00) DOLLARS per replacement tree.”;

(o) By deleting section 46 and replacing it with the following:

“46. Under s. 44, where it is determined that the required number of replacement trees cannot be accommodated on the lot based on sound arboricultural practices due to the size or other characteristics of the lot, the owner may request the Director of Parks and Recreation to reduce the number of replacement trees required by one (1), and if such request is granted, the size of the required replacement tree, if deciduous, shall be 8 cm in diameter measured at 15 cm above ground, or, if coniferous, 5 metres in height, or, if the replacement tree is a native species listed in Schedule “D”, it shall be double the size prescribed for such species in Schedule “D”. The security deposit for each replacement tree increased in size pursuant to this section shall be double the amount otherwise required for the replacement tree under this bylaw.”;

(p) By adding the following as section 54A:

“54A. Notwithstanding any other provision of this bylaw, no replacement tree shall be required for a protected tree that is altered pursuant to and in accordance with the terms and conditions of a tree cutting permit unless such alteration causes damage to the protected tree within the meaning of this bylaw, or otherwise causes or is likely to cause the protected tree to die or decline beyond expectation of recovery.”

(q) By deleting section 57 and replacing it with the following:

“57. A tree protection barrier must remain in place and in accordance with SCHEDULE "C" until the removal of the tree protection barrier is approved by the Director of Parks and Recreation. Despite sections 55 and 56, where necessary, the Director of Parks and Recreation may authorize the carrying out of excavation, demolition, construction or engineering works within 4 metres of the dripline of a protected tree, or the issuance of a tree cutting permit, without a tree protection barrier in place. Such authorization must be in writing, and may include any terms and conditions considered necessary by the Director of Parks and Recreation to minimize damage to protected trees, including a condition that any work be conducted under the supervision of an arborist.”;

(r) By deleting section 58 and replacing it with the following:

“58. The Director of Parks and Recreation, the Director of Engineering, the Manager of Inspection Services, a Bylaw Enforcement Officer, an Arboriculture Inspector, a Parks Development Review Coordinator or a Permit Coordinator and any municipal employee authorized by one of the aforesaid officials is authorized to enter at all reasonable times without the consent of the owner on any lot that is subject to this Bylaw to ascertain whether the regulations, prohibitions and requirements of this Bylaw or any cutting permit are being met or to assess or inspect any tree or tree remains on the lot.”;

(s) By deleting the words and figure “AN EIGHTY-FIVE (\$85.00) DOLLARS” from section 62 and replacing them with the words and figure “A One Hundred (\$100.00) Dollar”;

(t) By deleting subsection 63 a) and replacing it with the following:

“a) If a contravention of this Bylaw occurs in a location where excavation, construction or other development is occurring, the Director of Parks and Recreation, the Director of Engineering, the Manager of Inspection Services, a Bylaw Enforcement Officer, Arboriculture Inspector, Parks Development Review Coordinator, Permit Coordinator or any other person authorized by a resolution of Council may place a “Stop Work Order” on the property halting all work associated with the tree cutting or tree damaging activity until the contravention is resolved to the satisfaction of the Director of Parks and Recreation.”;

(u) By deleting Part 13 (Transition) in its entirety;

(v) By deleting Schedule “C” and replacing it with the Schedule “C” attached hereto;

(w) By adding as Schedule “D” the Schedule “D” attached hereto.

2. This Bylaw (the “**Amending Bylaw**”) and the amendments it makes to Tree Protection Bylaw, 2014, No. 9272 shall come into force on the date that is 30 days following the date of its adoption.

3. Sections 1 (g), (h), (l) and (m) of this Amending Bylaw (the “**Designated Provisions**”) shall not apply to an application for approval of a building permit received by Saanich before the date this Amending Bylaw comes into force provided all applicable fees for such applications have been paid.
4. For a period of twelve (12) months following the coming into force of this Amending Bylaw the Designated Provisions shall not apply to an application for approval of a subdivision or bare land strata subdivision received by Saanich before the date this Amending Bylaw comes into force provided all applicable fees for such applications have been paid.
5. The Designated Provisions shall not apply to:
 - (a) an application for a rezoning or development permit received by Saanich before the date this Amending Bylaw comes into force provided all applicable fees for such applications have been paid;
 - (b) an application for a building permit for a building proposed to be built on land included in an application described in subsection (a) received by Saanich during a period of 24 months following the date of approval of such application; or
 - (c) the development of the following lands, known as the “Nigel Valley” lands, inclusive of applications for rezoning, development permits or building permits:

Parcel Identifier:	Legal Description:
000-993-751	Lot 11, Block 2, Section 33, Victoria District, Plan 1375
000-104-604	Lot 12, Block 2, Section 33, Victoria District, Plan 1375
004-425-685	Lot 22, Block 1, Section 33, Victoria District, Plan 1375
007-518-552	Lot 23, Block 1, Section 33, Victoria District, Plan 1375
000-026-069	Lot B (DD 228678I), Block 1, Section 33, Victoria District, Plan 1375, Except Part in Plan 23288
003-071-642	Lot 1, Sections 9 and 33, Victoria District, Plan 23288, Except those Parts in Plans 24291, 26904 and 27771
003-001-300	Lot A, Section 9, Victoria District, Plan 24291
002-915-839	Lot 1, Sections 9 and 33, Victoria District, Plan 25469
002-463-571	Lot A, Section 33, Victoria District, Plan 26904
002-189-801	Lot A, Section 33, Victoria District, Plan 27771
000-138-959	Lot A, Sections 9 and 33, Victoria District, Plan 40348
017-166-918	Lot 1, Section 33, Victoria District, Plan VIP52049.

7. The applications described in sections 3, 4 and 5 shall be processed and administered in accordance with the provisions of the Tree Protection Bylaw, 2014, No. 9272 as amended hereby, except that those provisions amended by the Designated Provisions shall, for purposes of the applications described in sections 3, 4 and 5, remain in the form that existed immediately prior to the coming into force of the Designated Provisions. Upon completion of the development contemplated by the applications described in sections 3, 4 and 5 the Designated Provisions and the amendments made thereby shall apply to the lands that are subject to the applications.

8. This Amending Bylaw may be cited for all purposes as the **“TREE PROTECTION BYLAW, 2014, AMENDMENT BYLAW, 2019, NO. 9548”**.

Read a first time this 16th day of December, 2019.

Read a second time this 16th day of December, 2019.

Read a third time this 16th day of December, 2019.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 6th day of January, 2020.

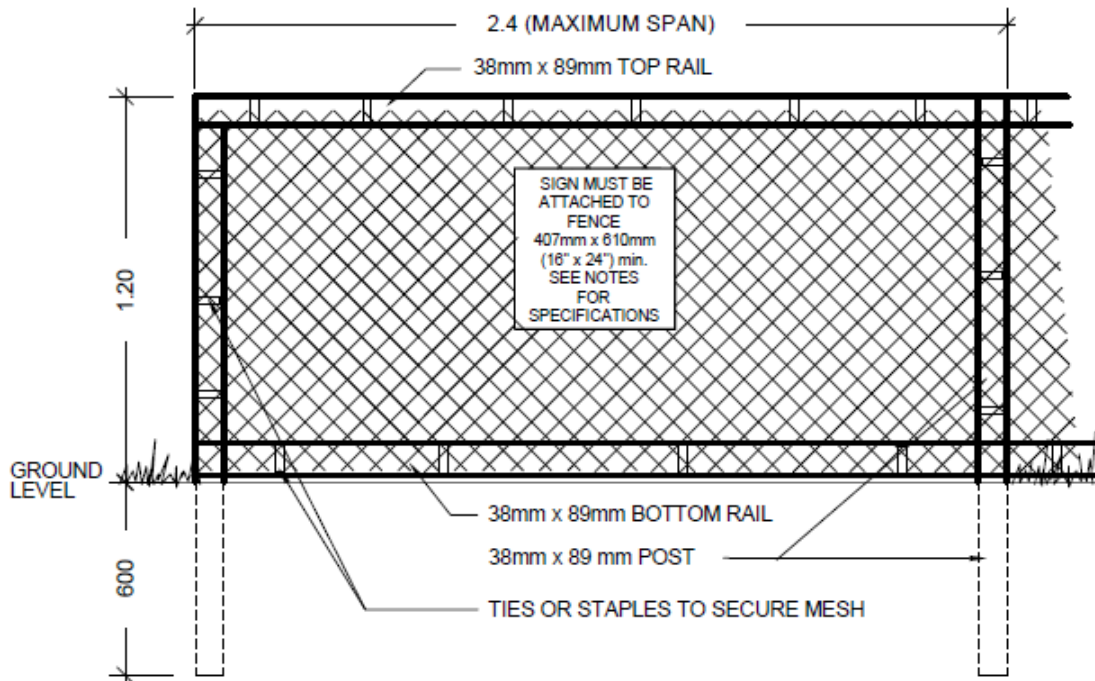
“Angila Bains”

Municipal Clerk

“Fred Haynes”

Mayor

Schedule "C"
TREE PROTECTION FENCING



Tree Protection Fencing Specifications:

1. The fence will be constructed using 38 x 89 mm (2" x 4") wood frame:
 - Top, Bottom and Posts.*
 - Use orange snow fencing mesh and secure to the wood frame with "zip" ties or galvanized staples.
2. Attach a sign with minimum size of 407 mm x 610 mm (16" X 24') with the following wording:
 - a) **DO NOT ENTER**- Tree Protection Zone (For retained trees) or;
 - b) **DO NOT ENTER**- Future Tree Planting Zone (For tree planting sites)

This sign must be affixed on every fence face or at least every 10 linear metres.

*In rocky areas, metal posts (t-bar or rebar) drilled into rock will be accepted.

DATE: November 2019
SCALE: N.T.S

Schedule "D"

Tree Protection Bylaw, 2014, No. 9272

NATIVE TREE REPLACEMENT SPECIES AND SIZES

Tree Species	Minimum acceptable size
<i>Arbutus (Arbutus menziesii)</i> <i>Big Leaf Maple (Acer macrophyllum)</i> <i>Bitter Cherry (Prunus emarginata)</i> <i>Black Hawthorne (Crataegus douglasii)</i> <i>Garry Oak (Quercus garryana)</i> <i>Pacific Dogwood (Cornus nuttallii)</i> <i>Pacific Yew (Taxus brevifolia)</i> <i>Trembling Aspen (Populus tremuloides)</i> <i>Western Yew (Taxus brevifolia)</i>	2.5 cm caliper or 1.8 m height
<i>Douglas-Fir (Pseudotsuga menziesii)</i> <i>Grand Fir (Abies grandis)</i> <i>Shore Pine (Pinus contorta)</i> <i>Western Red Cedar (Thuja plicata)</i> <i>Western White Pine (Pinus monticola)</i>	2.2 m in height