

RESORT MUNICIPALITY OF WHISTLER

TREE PROTECTION BYLAW NO. 2435, 2025

A BYLAW TO PROTECT AND REGULATE THE CUTTING AND DAMAGE OF TREES WITHIN THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS The Council of the Resort Municipality of Whistler has the authority pursuant to the *Community Charter* to enact bylaws that regulate, prohibit and impose requirements in relation to the Cutting and Damage of Trees, to regulate Tree Cutting, to require their replacement and in so doing to provide for a system of licences, permits or approvals;

AND WHEREAS Council considers it in the public interest to provide for the protection, preservation, regulation and replacement of a minimum target density of Trees on all properties;

AND WHEREAS Council acknowledges that Trees provide a variety of individual and community wide benefits such as climate resilience, wildlife habitat and biodiversity, erosion control, stormwater and rainwater management, carbon absorption, heating and cooling, aesthetics, and quality of life and health benefits;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS**

CITATION

1. This bylaw may be cited for all purposes as “Tree Protection Bylaw No. 2435, 2025” (“Bylaw”).

DEFINITIONS

2. In this Bylaw:

- a) “Arborist” means a person certified by and in good standing with the ISA as an Arborist or Master Arborist;
- b) “Built Infrastructure” means sewer, water, gas or electrical distribution infrastructure, roads, bridges, dikes, drainage works, utility works, fences, buildings, structures or hardscaped paths, patios, parking areas or driveways;
- c) “Certified Tree Assessor” means an Arborist or other qualified professional who holds a valid Tree Risk Assessment Qualification (TRAQ) under the authority of the ISA or a valid Wildlife Dangerous Tree Assessor Certificate under the authority of the Wildlife Tree Committee of B.C.;
- d) “Coniferous Tree” means a tree with year-round foliage (leaves or needles);
- e) “Covenanted Tree” means a Tree >15 cm DBH that is required to be preserved, retained or managed pursuant to the terms of a covenant on the title of a subject lot,

if the covenant requires the owner of the land to obtain permission from the Resort Municipality to Cut or Damage the Tree;

- f) "Critical Root Zone" or "CRZ" means the area of land surrounding the trunk of a Tree contained within a circle of radius equal to the DBH of the protected Tree multiplied by 8; for example, a Tree with a DBH of 40 cm would have a CRZ extending 320 cm (or 3.2 metres) from the trunk in all directions;
- g) "Cut or Cutting" means to cut, Damage or remove the main stem, trunk, or any branch or root of a Tree and includes topping of a Tree;
- h) "Dangerous Tree" means a Tree assessed and rated as "dangerous" by a Wildlife Danger Tree Assessor;
- i) "Damage" means to take any action that in the opinion of an Arborist or Certified Tree Assessor is likely to detrimentally impact or result in present or future harm to the health, structural integrity or development of a Tree;
- j) "Deciduous Tree" means a tree which drops foliage annually (leaves or needles);
- k) "DBH" means diameter at breast height and is the diameter of a Tree's trunk or main stem when measured at a height of 1.4 metres above the natural grade of the land; for a multi-stemmed Tree, the DBH is equal to the cumulative total of the DBH of each stem;
- l) "FireSmart Assessment" means a FireSmart Wildfire Mitigation Program Assessment or a Neighborhood FireSmart Assessment as conducted and documented by a Wildfire Mitigation Specialist;
- m) "High Risk Tree" means a Tree identified by a Certified Tree Assessor as having an "extreme" or "high" overall Tree risk rating according to the Basic Tree Risk Assessment Form produced by the ISA's TRAQ system or a Tree assessed as a Dangerous Tree by a Wildlife Danger Tree Assessor;
- n) "High Water Mark" means the visible high-water mark of a Stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the Stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;
- o) "ISA" means the International Society of Arboriculture;
- p) "Invasive Species" means any species listed as an "alien invasive species" in the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*;
- q) "Large Tree" means a Tree with a DBH of 60 cm or greater;
- r) "Manager" means the Manager of the Climate and Environment department of the Resort Municipality or designate;
- s) "Old Tree" means any Tree with a DBH of 15 cm or greater that is more than 250 years old;
- t) "Qualified Environmental Professional" means an individual who meets the definition of a qualified environmental professional under the *Riparian Areas Protection Regulation* section 21;

- u) “Raptor” means a bird of the order Falconiformes known as vultures, eagles, falcons and hawks or the order Strigiformes known as owls, and includes its eggs;
- v) “Replacement Tree” means a tree that is required to be retained, planted and/or maintained in accordance with this Bylaw and other applicable regulations;
- w) “Resort Municipality” means the Resort Municipality of Whistler;
- x) “Riparian Area” means a 30-metre strip of land on both sides of a Stream as measured from the High Water Mark;
- y) “RAPR” means the *Riparian Areas Protection Regulation*;
- z) “Significant Tree” means any of the following:
 - i. a Covenanted Tree;
 - ii. a Tree >15cm DBH located within 20 metres of the Highway 99 right-of-way, as delineated on the Resort Municipality’s interactive GIS Whistler Map as follows: Environmental – Highway 99 (Buffer 20m);
 - iii. a Large Tree;
 - iv. an Old Tree; or
 - v. a Wildlife Habitat Tree;
- aa) “Stream” means any of the following:
 - i. a watercourse, whether it usually contains water or not, including a wetland, pond, lake, river, creek, brook or glacier; or
 - ii. a ditch or a spring that is connected by surface flow, including ephemerally, to something referred to in section 2(aa)(i);
- bb) “Total Lot Area” means the total area (square metres or hectares) of a parcel as indicated on a legal survey or if a legal survey is not readily available the total parcel area (square metres or hectares) as indicated on the Resort Municipality’s GIS Whistler Map;
- cc) “Tree” means any living, erect, perennial woody plant that has a root system and a trunk or stem:
 - i. with a DBH of 15 cm or greater, or where measurement of the DBH is impossible or impractical, any Tree with a stump having a DBH of 15 cm or greater as measured at the cut; or
 - ii. of any size DBH if located within a Riparian Area;
- dd) “Tree Cutting Permit” means a permit issued pursuant to this Bylaw;
- ee) “Tree Density Minimum” means the targeted minimum density of Trees per hectare, the ratio of which is based on zoning type and applied to the Total Lot Area of a subject parcel, as established in Part I of this Bylaw;
- ff) “Tree Density Minimum Ratio” means the targeted minimum density of Trees per hectare based on the zoning of a subject lot as set out in indicated part of the “Zoning and Parking Bylaw No. 303, 2015” as follows:
 - i. **60 Trees per hectare** for the following zones:

- a. Leisure Zones (Part 11)
 - b. Residential Zones (Part 12)
 - c. Rural Resource Zones (Part 14)
 - d. Tourist Pension Zones (Part 16)
 - ii. **40 Trees per hectare** for the following zones:
 - a. Multiple Residential Zones (Part 13)
 - b. Tourist Accommodation Zones (Part 15); and
 - iii. **20 Trees per hectare** for the following zones:
 - a. Mountain Commercial Zones (Part 8)
 - b. Commercial Zones (Part 9)
 - c. Industrial Zones (Part 10)
 - d. Lands North Zones (Part 17)
 - e. Institutional Zones (Part 20)
 - f. Parking Zones (Part 22);
- gg) "Wildfire Mitigation Specialist" means a person trained, certified by, and in good standing with FireSmart B.C. or FireSmart Canada as a Wildfire Mitigation Specialist;
- hh) "Wildlife Habitat Tree" means a Tree >15 cm DBH that is known to host a Raptor nest, heron nest, piliated woodpecker nest, a bear den or a cougar den, regardless of inhabitation or occupancy status; and
- ii) "Wildlife Danger Tree Assessor" means a qualified professional who holds a valid B.C. Parks and Recreation Wildlife Dangerous Tree Assessor Certificate under the authority of the Wildlife Dangerous Tree Committee of B.C.

APPLICABILITY

3. This Bylaw applies to all land within the Resort Municipality.

PART A: TREE CUTTING AUTHORIZATION

4. Authorization in the form of a Tree Cutting Permit is required to Cut or Damage a Tree, unless otherwise in compliance with this Bylaw.

PROHIBITION

5. No person shall Cut or Damage, or cause or permit to be Cut or Damaged, a Tree unless the work is authorized by a Tree Cutting Permit or otherwise in compliance with this Bylaw.

EXEMPTIONS

6. A Tree Cutting Permit is not required to Cut a Tree when:

- a) the Cutting is authorized by a valid and subsisting permit issued by the Resort Municipality;
- b) the Cutting does not result in less than the Tree Density Minimum for the subject lot, unless the Tree is a Significant Tree or is located within a Riparian Area;
- c) the Cutting is required to construct or service a building or amenity that is authorized by a development permit, a building permit, a development variance permit or a board of variance order, provided that no Trees are Cut beyond the permitted building envelope or permitted development footprint other than to provide a reasonable amount of horizontal or vertical construction access or clearance around such a building or to provide necessary driveway access;
- d) the Cutting is related to works ordered by or undertaken by the Resort Municipality;
- e) the Cutting is related to fire-fighting and wildfire mitigation activities by the Resort Municipality, Whistler Fire Rescue Services or the Province of B.C.;
- f) the Cutting occurs on land which forestry practices are governed by a tree farm license, permit or other authority or tenure under the *Forest Act*, unless the land is subject to a covenant granted to the Resort Municipality under the *Land Title Act* that restricts or prohibits the Cutting of the Tree;
- g) the Cutting occurs on land to which section 21 of the *Private Managed Forest Land Act* applies, unless the land is subject to a covenant granted to the Resort Municipality under the *Land Title Act* that restricts or prohibits the Cutting of the Tree;
- h) the Cutting is undertaken by a public utility on land owned or held by the utility or on Resort Municipality land and done for the purpose of safety, maintenance or operation of the utility's infrastructure;
- i) emergency Cutting or removal of a Tree that is determined to be a High Risk Tree, provided that the Cutting is:
 - i. for any Significant Tree, a Certified Tree Assessor shall submit to the Manager a Tree risk assessment within 48 hours of removal with satisfactory evidence, in the opinion of the Manager, that it is a High Risk Tree;
 - ii. for any Significant Tree, relevant Replacement Tree requirements shall be met according to Part F of this Bylaw; and
 - iii. for any Tree located in a Riparian Area, a Wildlife Danger Tree Assessor shall submit to the Manager a Tree risk assessment within 48 hours of removal with satisfactory evidence, in the opinion of the Manager, that it is a Dangerous Tree;
- j) the Cutting or Damage is to remove an Invasive Species;

- k) the Cutting is limited to pruning or limbing of branches on a Tree or a Significant Tree to reduce wildfire hazard risk as assessed, specifically recommended and documented in a FireSmart Assessment report prepared by a Wildfire Mitigation Specialist, provided that such pruning or limbing:
 - i. is carried out in accordance with sound arboricultural practice as per the most current edition of the ANSI A300 Tree Care Standards developed by the Tree Care Industry Association and approved by the American National Standards Institute;
 - ii. does not include the topping of a Tree;
 - iii. does not include the removal of more than 25 per cent (25%) of the Tree's total live branches or limbs; and
 - iv. does not occur within a Riparian Area;
- l) the Cutting is limited to pruning or limbing of branches on a Tree or a Significant Tree up to a maximum hanging height of 2 metres above the natural grade of the land, or higher in order to remedy a safety risk to persons or property, to treat or remedy a legitimate Tree health concern, to provide reasonable clearance around lawfully constructed or legally non-conforming structures, or to carry out standard Tree health maintenance as assessed, specifically recommended and documented by an Arborist or Certified Tree Assessor, provided that such pruning or limbing:
 - i. is carried out in accordance with sound arboricultural practice as per the most current edition of the ANSI A300 Tree Care Standards developed by the Tree Care Industry Association and approved by the American National Standards Institute;
 - ii. does not include the topping of a Tree;
 - iii. does not include the removal of more than 25 per cent (25%) of the Tree's total live branches or limbs; and
 - iv. does not occur within a Riparian Area;
- m) the Tree prevents all uses or prevents development to the density permitted under the "Zoning and Parking Bylaw No. 303, 2015", unless the Council of the Resort Municipality passes a resolution in accordance with section 50(3) of the *Community Charter*, or
- n) the Cutting is limited to Trees up to 30 cm DBH located within 20 metres of the Highway 99 right-of-way and whose removal is specifically recommended and documented in a FireSmart Assessment report prepared by a RMOW Wildfire Mitigation Specialist, provided that:
 - i. the Cutting does not result in less than the Tree Density Minimum for the subject lot; and
 - ii. that the Cutting does not include a Covenanted Tree, a Large Tree, an Old Tree, a Wildlife Habitat Tree or a Tree located within a Riparian Area.

PART B: TREE CUTTING PERMITS

7. The Manager shall not issue a Tree Cutting Permit authorizing the Cutting or Damage of a Tree or a Significant Tree in the following cases:
 - a) if the Cutting of the Tree would result in less than the Tree Density Minimum for the subject lot, unless:
 - i. the Tree Density Minimum is met through the planting or retention of Replacement Trees in accordance with Part F;
 - ii. hardship criteria is met as per Part H; or
 - iii. the proposed Cutting otherwise meets the conditions of this Bylaw;
 - b) the Tree is located within a Riparian Area, unless:
 - i. it has been determined to be a Dangerous Tree; or
 - ii. the proposed Cutting is in accordance with the recommendations of a Qualified Environmental Professional that ensure that the Cutting will not result in the pollution, obstruction or impediment of the flow of a Stream;
 - c) in respect of a Tree that may not be Cut without obtaining a development permit; or
 - d) the proposed Cutting or Damage is otherwise prohibited by this Bylaw.
8. Upon receipt of a complete Tree Cutting Permit application, the Manager may refuse to issue a permit if:
 - a) the application does not comply with the requirements of this Bylaw or with a covenant granted to the Resort Municipality under the *Land Title Act*;
 - b) the application contains inaccurate, incomplete or erroneous information; or
 - c) the application does not comply with the *Wildlife Act* or the *Migratory Bird Act* as it relates to the habitat of a protected wildlife species.
9. A Tree Cutting Permit does not constitute an approval under or relieve the person to whom it was issued from complying with any federal or provincial statute or regulation governing the person's use and development of the Lands, including but not limited to the *Fisheries Act*, *Water Sustainability Act* and regulations, *Riparian Areas Protection Act* and regulations, *Species at Risk Act*, *Heritage Conservation Act*, *Wildlife Act*, *Migratory Birds Convention Act* and regulations, or the *Weed Control Act*.

PART C: TREE CUTTING PERMIT APPLICATION REQUIREMENTS

GENERAL REQUIREMENTS

10. Every application for a Tree Cutting Permit must include the following information:

- a) name, contact information and signature of applicant;
- b) name, contact information and signature of owner of subject lot;
- c) civic address and legal description of subject lot;
- d) agent name, signature and contact information and authorization of owner;
- e) a title search for the subject lot (no older than 30 days from date of application);
- f) zoning of the subject lot and the related Tree Density Minimum Ratio;
- g) the Total Lot Area of the subject lot;
- h) the specific calculated Tree Density Minimum for the subject lot as per Part I;
- i) application to be submitted with a copy of the relevant covenant, if the Tree is a Covenanted Tree;
- j) the number of existing Trees >15 cm DBH on the subject lot;
- k) for applications proposing to Cut up to 10 Trees, a brief description of proposed Tree Cutting work shall include the following:
 - i. the total number of Trees and Significant Trees proposed to be Cut;
 - ii. the species and diameter of each Tree and Significant Tree proposed to be Cut;
 - iii. type of each Significant Tree proposed to be Cut, as per the definition in section 2(x); and
 - iv. rationale for the proposed Cutting for each Significant Tree;
- l) for applications proposing to Cut up to 10 Trees, provide a clearly marked site plan or diagram which may be hand-drawn and may use a photo or screenshot from the Resort Municipality GIS Whistler Map or similar as a base, identifying the following:
 - i. property lines of the subject lot;
 - ii. Tree preservation covenant boundaries, where applicable;
 - iii. 20 metre area adjacent to the Highway 99 right-of-way, where applicable; and
 - iv. location of each Tree proposed to be Cut, including and specifying each Significant Tree; and
- m) for applications proposing to Cut more than 10 Trees, provide a report prepared by an Arborist, or by a Wildfire Mitigation Specialist in the case of Cutting for wildfire hazard risk reduction, satisfactory to the Manager to include the following:
 - i. the total or approximate number of Trees and Significant Trees (specify types) proposed to be Cut;

- ii. the total number, species and diameter of any Large Trees, Old Trees and Wildlife Habitat Trees proposed to be Cut; and
 - iii. rationale for the proposed Cutting of each Significant Tree;
 - n) for applications proposing to Cut more than 10 Trees, provide a clearly marked site plan or diagram to accompany the landscape modification plan which may be hand-drawn and may use a photo or screenshot from the Resort Municipality GIS Whistler Map or similar as a base, identifying the following:
 - i. property lines of the subject lot;
 - ii. Tree preservation covenant boundaries, where applicable;
 - iii. 20 metre area adjacent to the Highway 99 right-of-way, where applicable;
 - iv. location of Trees proposed to be Cut, specifying each Large Tree, Old Tree and Wildlife Habitat Tree proposed to be Cut;
 - o) if an application pertains to a Tree the main stem of which is located on more than one lot, the information for each lot must be submitted and the owners of each lot must sign the application, unless the Tree is partially on Resort Municipality land in which case this must be indicated on the application; and
 - p) proof of strata approval is required for any proposed Tree Cutting on common strata property.
11. Submitted applications will not be considered complete until all required information is provided.
12. A site inspection by Resort Municipality staff will be conducted as part of the review process for all Tree Cutting Permit applications, unless waived by the Manager.

SUPPLEMENTAL APPLICATION REQUIREMENTS

13. The following information is required for Tree Cutting Permit applications when Replacement Trees are required to meet the Tree Density Minimum:
- a) number of Replacement Trees required to meet the specific Tree Density Minimum for the parcel;
 - b) a Replacement Tree plan developed in accordance with Part F; and
 - c) Replacement Tree security, where applicable.

Significant Trees

14. For the proposed Cutting of a Significant Tree, the applicant must provide information or evidence as outlined below, to the satisfaction of the Manager, to support at least one of the following rationales:

- a) the Significant Tree interferes with the installation of authorized services to land and there is no reasonable alternative location for the services, to the satisfaction of the Manager;
 - i. for the purposes of section 14(a), the application shall be submitted with an explanation and relevant building plans showing proposed service installation route options and Significant Tree location(s);
- b) significant alteration or removal of the Significant Tree, acknowledged as such, is specifically recommended to support wildfire hazard risk reduction;
 - i. for the purposes of section 14(b), the application shall be submitted with a FireSmart Assessment report completed by a Wildfire Mitigation Specialist;
- c) the Significant Tree is determined to be negatively impacting the health and survival of surrounding trees; and in the case of the Significant Tree being a Large Tree, an Old Tree or a Wildlife Habitat Tree, the negative impact of that Significant Tree on surrounding Trees may be considered of lesser importance, depending on the nature and scope of such impact;
 - i. for the purposes of section 14(c), the application shall be submitted with a Tree or forest stand health assessment, Tree risk assessment or other relevant report from an Arborist or a Certified Tree Assessor;
- d) a Covenanted Tree, unless it is also a Large Tree, an Old Tree or a Wildlife Habitat Tree, of which Cutting is permitted for reasons other than those listed in this Bylaw as per a covenant on the title;
 - i. for the purposes of section 14(d), the application shall be submitted with a copy of the relevant covenant and an explanation of the content in the covenant which would allow for proposed Cutting;
- e) the removal of a Tree located within 20 metres of the Highway 99 right-of-way, provided that it is not a Large Tree, an Old Tree or a Wildlife Habitat Tree and that, in the opinion of the Manager, the Cutting will not significantly impact the visual buffer along Highway 99;
 - i. for the purposes of section 14(e), the application shall be submitted with a site plan or diagram of the subject lot indicating the 20-metre buffer area from the Highway 99 right-of-way, the location of Trees proposed for Cutting and the location of existing Trees to be retained within that area; or
- f) the Significant Tree is damaging the condition of lawfully constructed or legally non-conforming Built Infrastructure and modification of such infrastructure is unreasonable, to satisfaction of the Manager;
 - i. for the purposes of section 14(f), the application shall be submitted with photographic or other evidence of damage.

15. The Manager may require, taking into consideration the characteristics of the subject lot and any Significant Tree proposed to be Cut, the following additional information for a Tree Cutting Permit application pertaining to the proposed Cutting of a Significant Tree:
- a) a legal survey of existing Trees >15 cm DBH or Significant Trees on the subject lot where work is proposed;
 - b) other relevant documentation completed by a qualified professional; or
 - c) in the case of a Significant Tree which is also located within a Riparian Area, the requirements outlined in section 16 also apply.

Trees in Riparian Areas

16. The following information is required for Tree Cutting Permit applications pertaining to the proposed Cutting of Trees within a Riparian Area which are not determined to be Dangerous Trees:
- a) an assessment report dated no more than five years prior to the date of application that identifies whether the proposed Cutting may result in the pollution, obstruction or impediment of the flow of a Stream and recommends measures to prevent such harm, prepared by a Qualified Environmental Professional in accordance with the methodology, and to the same standard of intellectual rigour, required for assessments made under the RAPR but only to the extent required to determine whether the proposed Cutting may result in the pollution, obstruction or impediment of the flow of a stream; and
 - b) a replanting plan for new Replacement Trees as per section 26 in this Bylaw.

PART D: TREE CUTTING PERMIT FEES

17. A person must pay the following fees, as applicable, prior to issuance of a Tree Cutting Permit under this Bylaw:
- a) Tree Cutting Permit fee of \$250 for applications to Cut up to 10 Trees;
 - b) Tree Cutting Permit fee of \$400 for applications to Cut more than 10 Trees;
 - c) security for Replacement Trees as per Part G, where applicable; and
 - d) the cost of all land title office service fees related to the Resort Municipality's investigations of covenants and other charges registered on title to the subject lot.

PART E: TREE CUTTING PERMIT CONDITIONS

18. The Manager may issue a Tree Cutting Permit subject to any terms, conditions, restrictions or requirements as the Manager deems necessary or advisable to ensure continued compliance with this Bylaw, to support the health of nearby Trees, vegetation, soils or Streams, to protect municipal works or for the health and safety of the community, including but not limited to conditions related to the following:

- a) Replacement Tree requirements, including the number of trees, minimum tree size, tree species, planting location and sequence or timing of planting works;
- b) the addition of soil that is free of invasive species to support the healthy growth of a Replacement Tree;
- c) health and survival monitoring and reporting requirements for a Replacement Tree;
- d) sequence or timing of Tree Cutting works to avoid or mitigate negative environmental impacts;
- e) leave standing or felled wildlife snags when safe to do so in the opinion of a Certified Tree Assessor;
- f) minimum length of main stem cuts;
- g) disposal of vegetation debris;
- h) mitigation measures to protect other retained trees in the vicinity;
- i) mitigation measures for sediment and erosion control and to ensure that the work does not result in the pollution, obstruction or impediment of the flow of a Stream;
- j) restoration of the site to a condition that is not subject to erosion and that is conducive to the regrowth of natural vegetation;
- k) measures to support interface wildfire hazard reduction with respect to existing Trees or Replacement Trees;
- l) that works are to be carried out under the supervision of or monitored by an Arborist, a Qualified Environmental Professional or other qualified professional;
- m) specifications which in the Manager's opinion are necessary to satisfy the intent of a covenant registered on title to the subject lot;
- n) that works are to be carried out in compliance with Resort Municipality fire prevention regulations and restrictions, as Tree Cutting activities may be considered high risk when the Fire Danger Rating is high or extreme;
- o) that work is to be carried out in accordance with recommendations provided in assessments or reports prepared by a qualified professional and submitted as part of the permit application; or
- p) coordination of site inspections by Resort Municipality staff to confirm information related to a permit application or to monitor compliance with conditions of an issued permit.

19. All persons must comply with the conditions specified in a Tree Cutting Permit.

20. The Manager may revoke a Tree Cutting Permit if:

- a) the work is in contravention of this Bylaw, another bylaw of the Resort Municipality, a federal or provincial statute or regulation;
- b) the Resort Municipality finds that work is not being carried out in compliance with the terms and conditions of the permit;

- c) the information supplied by the applicant in support of the permit is found by the Manager to have been inaccurate, incomplete or erroneous; or
- d) the Tree Cutting work is creating a hazard to an adjacent lot, infrastructure or Tree in the vicinity.

PART F: REPLACEMENT TREE REQUIREMENTS

- 21. Where the removal of a Tree or a Significant Tree would result in the subject lot not meeting the calculated Tree Density Minimum with respect to the number of Trees that are retained on the lot, then the Tree Density Minimum shall be met through the retention or planting of Replacement Trees.
- 22. The number of Replacement Trees required to meet the Tree density minimum for the subject lot shall be equal to the Tree Density Minimum for the subject lot less the number of existing Trees >15 cm DBH retained after the proposed Cutting; additional requirements are outlined in sections 23, 24, 25 and 26.
- 23. For each Large Tree, Old Tree or Wildlife Habitat Tree that is removed, three new Replacement Trees are required to be planted in addition to any Replacement Trees required to meet the Tree Density Minimum, unless the rationale for removal is to support wildfire hazard risk reduction as evidenced by a FireSmart Assessment report completed by a Wildfire Mitigation Specialist; for each High Risk Large Tree, Old Tree or Wildlife Habitat Tree that is Cut as per the exemption in section 6(i), one new Replacement Tree is required unless otherwise determined by the Manager.
- 24. For each Covenanted Tree that is removed, additional Replacement Tree requirements beyond those to meet the Tree Density Minimum may be required by the Manager to satisfy the terms of the covenant; for each High Risk Covenanted Tree that is Cut as per the exemption in section 6(i), one new Replacement Tree is required unless otherwise determined by the Manager.
- 25. For each Tree that is removed from within 20 metres of the Highway 99 right-of-way, one new Replacement Tree is required to be planted in addition to any Replacement Trees required to meet the Tree Density Minimum, unless the rationale is to support wildfire hazard risk reduction as evidenced by a FireSmart Assessment report completed by a Wildfire Mitigation Specialist; for each High Risk Tree that is Cut within 20 metres of the Highway 99 right-of-way as per the exemption in section 6(i), one new Replacement Tree is required unless otherwise determined by the Manager.
- 26. For each Tree removed from a Riparian Area that is not determined to be a Dangerous Tree, a replanting plan shall be developed by and carried out under the direction of a Qualified Environmental Professional; any replanting recommended by the Qualified Environmental Professional shall be in addition to any Replacement Trees required to meet the Tree Density Minimum.

27. Where the number of existing Trees >15 cm DBH to be retained on the subject lot after the proposed Cutting does not meet the Tree Density Minimum for the subject lot, then each retained tree <15 cm DBH that is at least as large as the smallest equivalent Replacement Tree, as specified in section 28, may be counted towards the number of Replacement Trees required, provided that the retained tree:
- a) is in good health;
 - b) is not a High Risk Tree;
 - c) is not a Coniferous Tree with a trunk located closer than 6 metres to a building, other structure or other Coniferous Trees; and
 - d) meets the specifications as outlined in sections 28 through 35.
28. Each Replacement Tree planted, or retained in accordance with section 27, must have a height of at least 3 metres or a DBH of at least 5 cm.
29. Acceptable Replacement Tree species include native and near-native tree species to Whistler. Whistler is in plant hardiness zone 5, with occasional zone 6 plants surviving in microclimates.
30. Deciduous species are preferred for new Replacement Trees; each new Deciduous Tree planted will be counted as two Replacement Trees.
31. Only trees may be used as Replacement Trees, not shrubs or other plants.
32. Invasive Species are not acceptable as Replacement Trees.
33. The following bear attractant species are not acceptable as Replacement Trees: *Sorbus aucuparia* (Mountain ash, single stem tree) or *Sorbus sitchensis* (Mountain ash, multi-stem shrub).
34. Each Replacement Tree must be retained or planted in a space appropriate for the mature size and height of the species.
35. Each Replacement Tree must be located on the subject lot on which Trees are proposed to be Cut.
36. Any new Replacement Tree must be planted within 6 months of the issuance of a Tree Cutting Permit, unless this requirement is specifically extended by the Manager.
37. The main stem or trunk of any new Replacement Tree should be planted:
- a) in consideration of service lines including but not limited to sanitary, water, gas or electrical services;
 - b) in consideration of hardscape areas including such as driveways, retaining walls, patios or walkways;
 - c) in consideration of the dripline of existing Trees; and
 - d) at least 3 metres away from overhead power lines.

38. The main stem or trunk of any new deciduous Replacement Tree shall be planted at least 1.5 metres away from buildings, structures and other Trees or Replacement Trees; the main stem or trunk of any new Coniferous Replacement Tree should be planted least 6 metres from buildings, structures and other Coniferous Trees.
39. Any new Replacement Tree should be planted according to the specifications in Schedule A.
40. Where five or more new Replacement Trees are required to be planted, the applicant shall submit a replanting plan, prepared by an Arborist or a landscape architect qualified to practice in British Columbia, which complies with Part F and Schedule A of this Bylaw and meets the satisfaction of the Manager.
41. The Manager may alter, reduce or waive Replacement Tree requirements in a case where the applicant meets hardship criteria as per Part H or as otherwise specified in this Bylaw.
42. The owner must confirm in writing to the Resort Municipality the completion of the planting of Replacement Trees within one month of planting.
43. Every owner shall, at the owner's expense, water, tend and maintain in good health each Replacement Tree for a period of 12 months, using practices appropriate to sustaining the health and viability of the Replacement Tree and in accordance with the requirements set out in the latest edition of the Canadian Landscape Standard as published by the Canadian Society of Landscape Architects.
44. The Resort Municipality may review the health and condition of a Replacement Tree within 12 months of planting. During this period, if the Manager determines that a Replacement Tree is diseased, dead or unlikely to survive the next 6 months, then the owner shall remove the Replacement Tree, plant a new Replacement Tree in its place and the maintenance period of 12 months will be renewed.

PART G: SECURITY FOR REPLACEMENT TREES

45. To obtain a Tree Cutting Permit, the owner shall provide security for any required Replacement Trees in the amount of \$250 per each retained Replacement Tree to a maximum of \$5,000 for retained Replacement Trees which satisfy the criteria under section 27. The Resort Municipality may use the security to fulfill the obligations of the owner under section 44 to replace dead, dying or diseased Replacement Trees.
 - a) The Resort Municipality shall return the security, or part remaining thereof, to the owner not later than the later of:
 - i. the expiry of the maintenance period set out in section 43; or
 - ii. the renewed maintenance period under section 44.
46. To obtain a Tree Cutting Permit, the owner shall provide security for required Replacement Trees in the amount of \$1,000 per each newly planted Replacement Tree to a maximum of \$50,000 for new Replacement Trees which satisfy the criteria under section 27. The Resort Municipality may use the security to fulfill the obligations of the owner under section 44 to replace dead, dying or diseased Replacement Trees. The

Resort Municipality shall return the security, or part remaining thereof, to the owner not later than the later of (1) the expiry of the maintenance period set out in section 43, and (2) the renewed maintenance period under section 44.

PART H: HARDSHIP FOR REPLACEMENT TREE REQUIREMENTS

47. The Manager may waive, alter or reduce Replacement Tree requirements, as outlined in Part F, in a case where the applicant supplies satisfactory evidence, in the opinion of the Manager, of meeting hardship criteria as outlined in sections 49(a) to (d).
48. Hardship results from unique physical circumstances that are particular to the site and does not include mere inconvenience or preference for a more lenient standard or a more profitable land use.
49. The following circumstances may constitute hardship with respect to achieving the calculated Tree Density Minimum for a subject lot:
 - a) if, in the opinion of an Arborist, the subject parcel's physical circumstances (e.g. slope, lot shape, lot size, existing hardscaped footprint and landscape suitability) are such that sufficient space is not reasonably available or otherwise cannot reasonably accommodate the planting or sustained growth of some or all the required Replacement Trees when considering spacing and other relevant factors;
 - b) where some or all of the Replacement Trees would prevent the owner of the lot on which the Tree is located from developing or using a lot in a manner or to an extent permitted under the "Zoning and Parking Bylaw No. 303, 2015" and the layout, location or shape of the development or land use cannot be modified to accommodate the planting or sustained growth of some or all the required Replacement Trees without causing the owner undue hardship as determined by the Manager;
 - c) where the planting or sustained growth of one or more of the required Replacement Trees or implementing the replanting plan would constitute a hazard or a safety risk to lot access or to persons or property; or
 - d) where the planting or sustained growth of one or more of the required Replacement Trees or implementing the replanting plan would cause an undue increase to interface wildfire risk as determined by a Wildfire Mitigation Specialist.

PART I: CALCULATING TREE DENSITY MINIMUM

50. The specific Tree Density Minimum for a subject lot is calculated as follows:
 - a) Identify the zoning type of the subject lot, which determines the Tree Density Minimum Ratio to be applied.

E.g. RS1 zone (Single Family Residential One) = 60 trees/hectare Tree Density Minimum

- b. Identify the Total Lot Area of the subject lot in hectares (rounded to the nearest hundredth or two decimal places).

E.g. 557 m² converted to hectares = 0.06 ha

- c. Multiply the relevant Tree Density Minimum Ratio by the Total Lot Area.

E.g. 60 (Trees) x 0.06 (hectares) = 3.6 trees

- d. Round to the nearest whole number to get the specific Tree Density Minimum for the subject lot.

E.g. 3.6 = 4 trees

PART J: TREE PROTECTION BARRIERS

51. No person shall fail to protect or prevent Damage to the CRZ of any retained Significant Tree from harmful impacts of construction, development, land clearing, site preparation, demolition, excavation, or service installation activities.
52. Where such works as identified in section 51 have potential to negatively impact the CRZ of a retained Significant Tree, a Tree protection barrier shall be erected to meet or exceed the requirements specified in Schedule B (drawing TPB-01) of this Bylaw. Where subject lot boundaries, existing structures, approved structures or access routes interfere with the CRZ, Tree protection barriers may be adjusted as needed to protect as much of the CRZ as possible.

PART K: INSPECTION AND ENFORCEMENT

53. Bylaw Officers are designated to enforce this Bylaw pursuant to Section 264(1) of the *Community Charter*.
54. Pursuant to section 16 of the *Community Charter*, Resort Municipality staff may at all reasonable times enter upon and inspect any parcel for the purpose of ascertaining whether the regulations of this Bylaw or the conditions of a permit are being observed.
55. In addition to applicable fines related to an offence against this Bylaw, the Manager may require that an owner of a parcel plant a new Replacement Tree where:
- a) any Tree has been Cut in contravention of this Bylaw or in excess of or contrary to a permit or this Bylaw; or
 - b) any Tree that has been Damaged in contravention of this Bylaw or in excess of or contrary to a permit or this Bylaw to the extent that, in the opinion of the Manager or a qualified professional retained by the Resort Municipality, it is not likely to survive past 12 months from the date of inspection.

56. If the Manager requires that an owner of a parcel plant five or more Replacement Trees under section 55, the Resort Municipality may, at the owner's expense, have a Replacement Tree replanting plan prepared in accordance with this Bylaw by a qualified professional employed or retained by the Resort Municipality.
57. If the Manager is not satisfied that the owner or occupier of the land has taken reasonable steps required by or under any provision of this Bylaw or a Tree Cutting Permit after having been given notice in writing to do so, the Resort Municipality may enter on the owner's or occupier's land to perform the work.
58. If the Resort Municipality acts pursuant to section 57 of this Bylaw, then the costs and expenses incurred by the Resort Municipality in doing so, plus a 10% fee on account of administrative costs, shall be paid by the owner within 30 days of demand and if unpaid may be recovered by the Resort Municipality from the owner as a debt.

PERMIT EXPIRY

59. A Tree Cutting Permit application is valid for 12 months from the date of initiation. If all required or requested information for the application is not submitted within 12 months, the application will be cancelled.
60. A Tree Cutting Permit is valid for a period of 12 months from the date of issue.

OFFENCE AND PENALTY

61. Any person who commits an offence against this Bylaw is liable upon conviction to a penalty not exceeding \$50,000 for each occurrence of a violation.
62. Any person who:
 - a) contravenes a provision of this Bylaw;
 - b) suffers or permits any act or thing to be done in contravention of this Bylaw;
 - c) fails to comply with the conditions of a permit in relation to this Bylaw; or
 - d) fails to comply with a notice or an order of the Manager made under this Bylawcommits an offence against this Bylaw.
63. Each individual occurrence of a contravention of this Bylaw shall constitute a separate offence.
64. Where one or more Trees are Cut or Damaged in contravention of this Bylaw, a separate offence is committed in respect of each Tree.

65. Where one or more Replacement Trees are not replaced or maintained in accordance with this Bylaw or the conditions of a permit issued under this Bylaw, a separate offence is committed in respect of each Tree.
66. Each day on which a contravention of this Bylaw continues shall constitute a separate offence.
67. Offences for which penalties or fines can be issued are prescribed in the "Municipal Ticket Information System Implementation Bylaw No. 1719, 2005" and the "Bylaw Notice Enforcement Bylaw No. 2174, 2018".
68. Any ticket issued or penalty under prosecution will be in addition to the cost of maintaining or planting any required Replacement Trees.

SEVERANCE

69. If any section or other part of this Bylaw is held invalid by a court, the invalid portion shall be severed.

BYLAW AND LEGISLATION CHANGES

70. If any legislation or bylaws referred to in this Bylaw, including provincial or federal statutes and regulations and Resort Municipality bylaws are amended, repealed and replaced, or otherwise updated, the most current version is deemed to be in effect.

GIVEN FIRST, SECOND and THIRD READING this 10 of June, 2025.

ADOPTED this 24 of June, 2025.

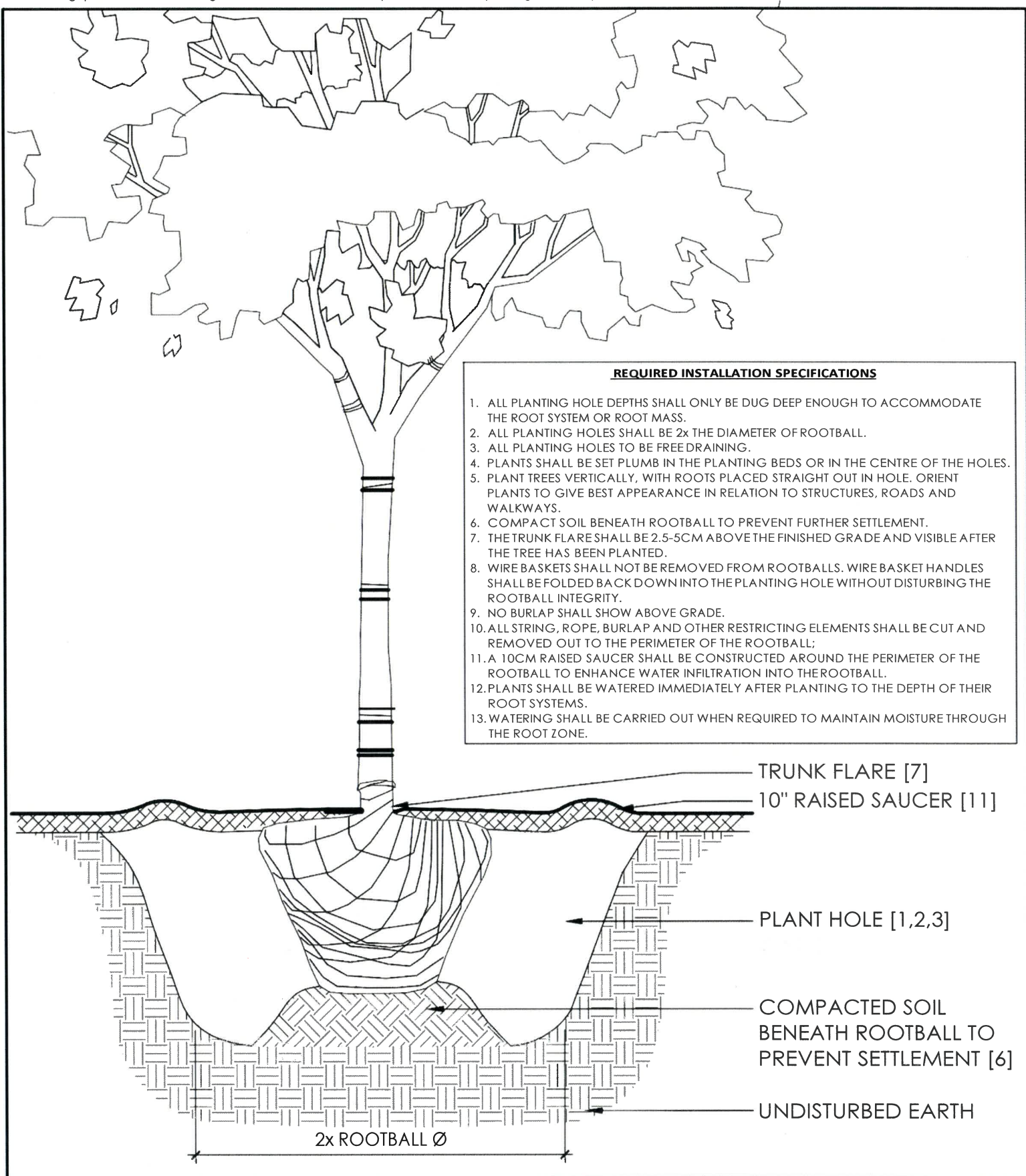


J. Ford,
Acting Mayor



P. Lysaght,
Corporate Officer

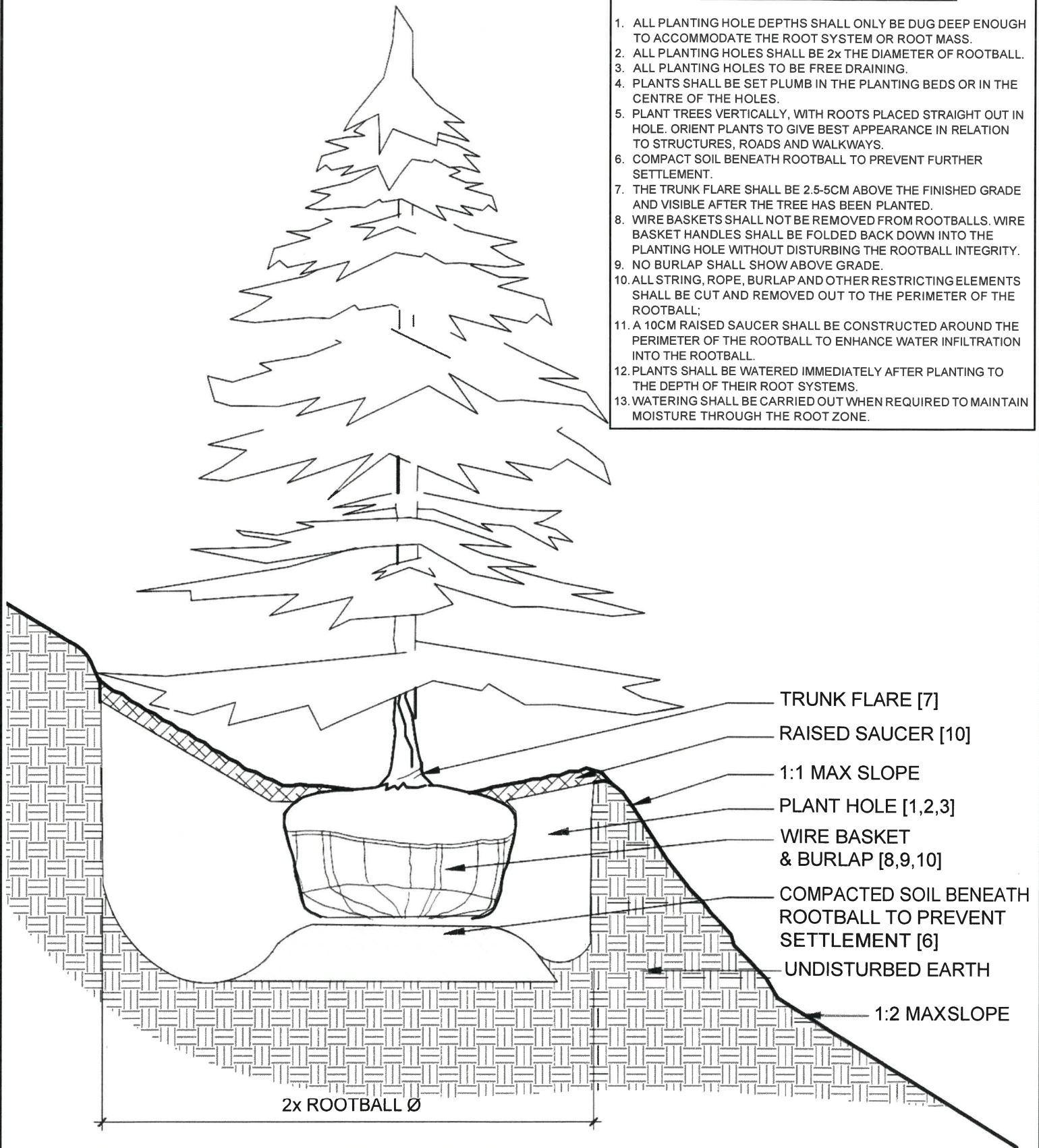
I HEREBY CERTIFY that this is a true copy
of "Tree Protection Bylaw No. 2435, 2025".



Detail	Issued Date	Scale
Tree Protection Bylaw - Tree Planting Specifications	MAY 2025	1:20
 Resort Municipality of Whistler	Rev01	Drawing Number TPB-02
	Rev02	
	Rev03	
	Rev04	

REQUIRED INSTALLATION SPECIFICATIONS

1. ALL PLANTING HOLE DEPTHS SHALL ONLY BE DUG DEEP ENOUGH TO ACCOMMODATE THE ROOT SYSTEM OR ROOT MASS.
2. ALL PLANTING HOLES SHALL BE 2x THE DIAMETER OF ROOTBALL.
3. ALL PLANTING HOLES TO BE FREE DRAINING.
4. PLANTS SHALL BE SET PLUMB IN THE PLANTING BEDS OR IN THE CENTRE OF THE HOLES.
5. PLANT TREES VERTICALLY, WITH ROOTS PLACED STRAIGHT OUT IN HOLE. ORIENT PLANTS TO GIVE BEST APPEARANCE IN RELATION TO STRUCTURES, ROADS AND WALKWAYS.
6. COMPACT SOIL BENEATH ROOTBALL TO PREVENT FURTHER SETTLEMENT.
7. THE TRUNK FLARE SHALL BE 2.5-5CM ABOVE THE FINISHED GRADE AND VISIBLE AFTER THE TREE HAS BEEN PLANTED.
8. WIRE BASKETS SHALL NOT BE REMOVED FROM ROOTBALLS. WIRE BASKET HANDLES SHALL BE FOLDED BACK DOWN INTO THE PLANTING HOLE WITHOUT DISTURBING THE ROOTBALL INTEGRITY.
9. NO BURLAP SHALL SHOW ABOVE GRADE.
10. ALL STRING, ROPE, BURLAP AND OTHER RESTRICTING ELEMENTS SHALL BE CUT AND REMOVED OUT TO THE PERIMETER OF THE ROOTBALL;
11. A 10CM RAISED SAUCER SHALL BE CONSTRUCTED AROUND THE PERIMETER OF THE ROOTBALL TO ENHANCE WATER INFILTRATION INTO THE ROOTBALL.
12. PLANTS SHALL BE WATERED IMMEDIATELY AFTER PLANTING TO THE DEPTH OF THEIR ROOT SYSTEMS.
13. WATERING SHALL BE CARRIED OUT WHEN REQUIRED TO MAINTAIN MOISTURE THROUGH THE ROOT ZONE.



Detail

Tree Protection Bylaw - Tree Planting on Slope Specifications

Issued Date

MAY 2025

Scale

1:20



**Resort Municipality
of Whistler**

Rev01

Rev02

Rev03

Rev04

Drawing Number

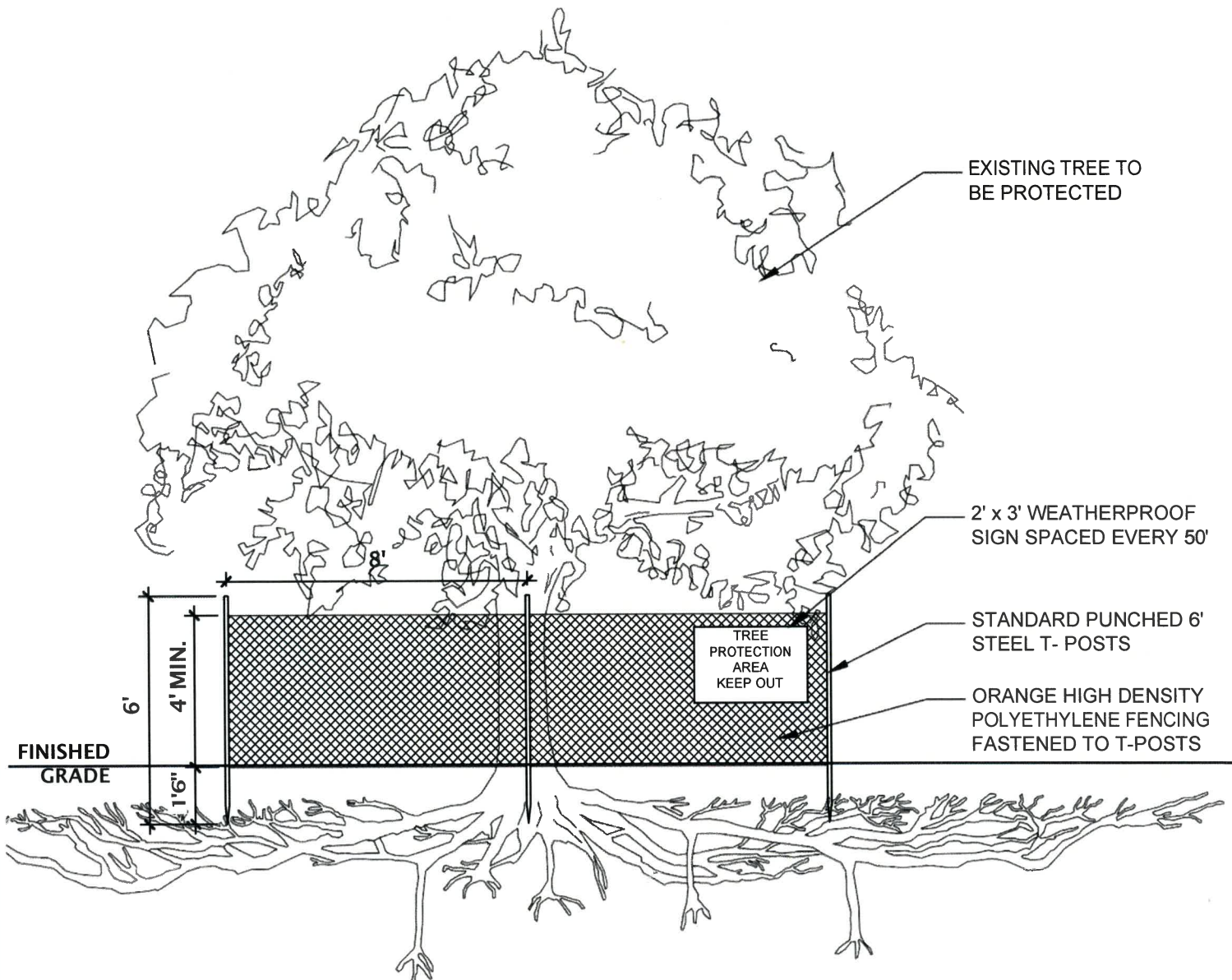
TPB-03

SCHEDULE B: Tree Protection Barrier Specifications

The following tree protection barrier specifications in drawing TPB-01 shall be followed to protect the CRZ of retained Significant Trees during construction or other works:

NOTES:

1. TREE PROTECTION BARRIERS MUST BE ERECTED PRIOR TO ANY CONSTRUCTION, EXCAVATION, CLEARING, DEMOLITION OR ANY OTHER DEVELOPMENT ACTIVITIES ON THE SITE AND ARE TO REMAIN IN PLACE THROUGHOUT THE ENTIRE DURATION OF THE PROJECT.
2. TREE PROTECTION BARRIERS SHALL BE PLACED, AT MINIMUM, AROUND THE CRITICAL ROOT ZONE (CRZ) OF THE TREE, DEFINED AS THE AREA OF LAND SURROUNDING THE TRUNK OF A TREE CONTAINED WITHIN A CIRCLE RADIUS EQUAL TO THE DIAMETER BREAST HEIGHT (DBH) OF THE TREE MULTIPLIED BY 8.
EXAMPLE: A TREE WITH A DBH OF 40cm WOULD HAVE A CRZ EXTENDING 320cm (OR 3.2m) FROM THE TRUNK IN ALL DIRECTIONS.
3. WHERE SUBJECT LOT BOUNDARIES, EXISTING STRUCTURES, APPROVED STRUCTURES OR ACCESS ROUTES INTERFERE WITH THE CRZ, TREE PROTECTION BARRIERS MAY BE ADJUSTED AS NEEDED TO PROTECT AS MUCH OF THE CRZ AS POSSIBLE.
4. 2' x 3' WEATHERPROOF SIGN TO READ "TREE PROTECTION AREA - KEEP OUT" MUST BE INSTALLED EVERY 5m ALONG THE BARRIER.
5. ALL MEASUREMENTS ARE IN FEET (') AND INCHES (").
6. 6' LONG 2" x 4" WOOD SUPPORTS INSTALLED EVERY 8' MAX. EMBEDDED MIN. 18" DEPTH. WHILE MINIMIZING ROOT DAMAGE.
7. 4' TALL ORANGE HIGH DENSITY POLYETHYLENE WEB FENCING SECURELY FASTENED TO WOOD FRAME. FENCE HEIGHT MIN. 4' TALL.
8. BARRIERS SHALL BE MAINTAINED, ERECT AND IN GOOD REPAIR THROUGHOUT THE DURATION OF CONSTRUCTION.
9. BARRIERS ARE NOT TO BE LIFTED OR REMOVED AT ANY TIME FOR VEHICULAR ACCESS.
10. NO STORAGE OF BUILDING / CONSTRUCTION MATERIALS WITHIN PROTECTED AREAS OR AGAINST PROTECTION BARRIER.



Detail

Tree Protection Bylaw - Tree Protection Barrier Specifications

Issued Date

MAY 2025

Scale

1:50

Rev01

Rev02

Rev03

Rev04

Drawing Number

TPB-01



Resort Municipality
of Whistler