

CITY OF POWELL RIVER

CONSOLIDATED TREE PROTECTION

BYLAW NO. 2174, 2008

TREE PROTECTION BYLAW NO. 2174, 2008 CONSOLIDATION

This consolidation of Tree Protection Bylaw No. 2174, 2008, has been prepared exclusively for the use of the City of Powell River for convenience only. City of Powell River does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original bylaw and amendments.

CITY OF POWELL RIVER
BYLAW 2174, 2008

A Bylaw to regulate and prohibit the cutting and removal of trees within the City of Powell River

WHEREAS the *Council* may, by bylaw, exercise certain powers within the *City* to regulate the *cutting* and *removal* of trees and to require their replacement;

WHEREAS the *Council* considers it in the public interest to provide for the protection and preservation of trees and to regulate tree *cutting*, *removal*, and *replacement* in specified areas and upon large tracts of land;

NOW THEREFORE the *Council* of the City of Powell River, in an open meeting assembled, enacts as follows:

PART 1: DEFINITIONS

ARBORIST includes a person certified by the International Society of Arboriculture as an *arborist* or arbor-culturist, a qualified forester, landscape architect or other person holding a professional certification pertinent to the growing and maintenance of trees;

BARRIER means a device including a fence, guard, frame or any other conspicuous marker which is placed on, around, or near a tree to indicate the tree trunk, roots or branches are not to be *cut*, *removed* or damaged;

CITY means as the context requires, the City of Powell River or the area within the boundaries of the City of Powell River,

CITY ENGINEER means a person employed by the city in the position of the city engineer and includes his or her designate.

COUNCIL means the Council of the City of Powell River.

CULTURALLY MODIFIED TREE means a tree that has been intentionally altered by aboriginal people as part of their traditional use of the forest.

CUT AND CUTTING means the *removal*, knocking down or *cutting* into, any or all parts, of any tree in such a manner that damages or is detrimental to the health of any tree.

DEVELOPMENT PERMIT AREA means all lands set out as Development Permit Areas under Part 10 of the City of Powell River Official Community Plan Bylaw 2080, 2005.

DIAMETER BREAST HEIGHT (DBH) means the diameter of the trunk of a tree measured at 1.5 metres above the average grade at the base of the tree;

DRIP LINE means a circle on the ground around the trunk of a tree, the radius of which is the distance between the outermost branches and the centre point of the trunk, or its vertical extension;

ENVIRONMENTALLY SENSITIVE AREAS are lands as set out by location in Schedule B attached to this Bylaw.

HAZARD TREE means a tree identified in writing by an *arborist* as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall resulting in a risk of personal injury or property damage.

OWNER means the registered owner or owners of a fee simple parcel of land.

PERMIT means a tree *cutting* permit issued by the *City Engineer* under authority of this bylaw to *cut* or *remove* one or more trees.

QUALIFIED PERSON means a professional with experience in geotechnical engineering or hydrology, geoscientist, or registered professional qualified and competent to provide an expert opinion or to carry out the particulars of the work in question.

REMOVE(D) OR REMOVAL in relation to a tree means to remove in whole or in significant part.

REPLACEMENT TREE means a tree planted on a parcel in accordance with this Bylaw to replace a tree cut, removed or damaged on the same parcel.

RIPARIAN AREA means an area as defined in the Riparian Areas Regulation 376/2004 of the Fish Protection Act, RSBC 1997 c. 21.

SIGNIFICANT TREE(S) means a tree identified in Schedule D of this Bylaw and, additionally and *wildlife trees* whether listed on Schedule D or not.

TREE MANAGEMENT PLAN means a plan of a parcel of land and supporting report prepared by a *qualified person* for the purposes of Part 6 of this Bylaw;

WATERCOURSE means a channel through which water flows at any time of the year and includes a brook, river, stream, creek, lake, pond and any other body of water running through or situated partially or fully within the *City*.

WILDLIFE TREE means a tree that provides present or future habitat for the maintenance or enhancement of wildlife as defined in the British Columbia's Wildlife Tree Classification System published in "Wildlife Tree Management in British Columbia".

PART 2: TITLE AND APPLICATION

2.1 Title

This Bylaw may be cited as "**City of Powell River Tree Protection Bylaw 2174, 2008**".

2.2 Applicability

2.2.1 This Bylaw shall apply to any tree having a diameter breast height of at least 20 cm (8 in) that is:

- a) located upon any parcel of land 1 hectare (2.5 ac) or greater in size within *City* boundaries;
- b) located upon titled land owned by the *City* or in the possession of the *City*;
- c) located on or immediately adjacent to a slope of 25% or greater (1 rise: 4 run); or
- d) within an *Environmentally Sensitive Area* as located on Schedule B of this Bylaw.

2.2.2 This Bylaw shall apply to any tree that is:

- a) located within a *Development Permit Area* identified in the Official Community Plan Bylaw;
- b) identified for protection under a section 219 covenant pursuant to the Land Title Act;
- c) within a *Riparian Area*;
- d) any *significant* or *wildlife tree*; or
- e) identified for retention and protection as part of a subdivision, development permit, or building permit approval process.

2.2.3 This Bylaw does not apply to a tree on land that is:

- a) used for the production or *cutting* of trees under a valid, existing licence for a tree farm, plant nursery or Christmas tree plantation;
- b) designated under the Private Managed Forest Land Act;

- c) a part of golf course lands;
- d) legally described as PID 026-685-591 Lot A District Lot 450 Group 1 New Westminster District Plan BCP23887 Except: Part Subdivided by Plan BCP42255, and PID 026-741-580 Lot 2 District Lot 450 Group 1 New Westminster District Plan BCP23888, while they are subject to an existing timber license reservation; or¹
- e) identified for removal, replacement, or protection as part of an approved subdivision plan².

2.3 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

PART 3: PROHIBITIONS

- 3.1 No person shall *cut* or *remove* any tree to which this Bylaw applies or suffer or allow any such tree to be *cut* or *removed* except in accordance with the terms of a *permit* issued under this Bylaw.
- 3.2 No person shall carry out any of the following tree damaging activities in respect to any tree to which this Bylaw applies, except where the *cutting* or *removal* of the tree in question has been authorized by a *permit*:
 - a) *cutting* or damaging of the roots within the *drip line* of a tree;
 - b) placing fill, building materials, asphalt or a building or structure upon land within the *drip line* of a tree;
 - c) operating trucks, backhoes, excavators or other heavy equipment over the roots within the *drip line* of a tree;
 - d) denting, gouging or damaging the trunk or removing bark from a tree;
 - e) depositing concrete washout, a chemical, or substances harmful to the health of a tree on land at or near the tree;
 - f) removing soil from land within the *drip line* of a tree;
 - g) blasting inside the *drip line* of a tree or outside the *drip line* so as to disturb soil;
 - h) undermining the roots of a tree growing inside the *drip line*; or
 - i) altering the ground water or surface water level within the *drip line* of a tree.
- 3.3 No person shall carry out any damaging activity, including actions described under sub clauses (a) to (i) above, to any *culturally modified tree* and in accordance with the Heritage Conservation Act.
- 3.4 No person shall fail to comply with the terms and conditions of a *permit* issued pursuant to this Bylaw.

¹ Bylaw Amendment No. 2403

² Bylaw Amendment No. 2488

PART 4: EXEMPTIONS

4.1 A *permit* is not required to *cut* or *remove* a tree under the following conditions:

- a) a zoning bylaw amendment or development permit that provides for *removal* of a tree;
- b) tree *cutting* or *removal* for the installation of roads or services shown on an engineering drawing approved by the *City* in respect of a building permit or subdivision approval;
- c) tree *cutting* or *removal* is necessary for the purposes of farm operations as provided for in the Farm Practices Protection (Right to Farm) Act RSBC 1996 c. 131;
- d) tree *cutting* or *removal* required for the construction or installation of a driveway, required off-street parking area, underground or above ground utility corridor;
- e) tree *cutting* or *removal* carried out by the *City* or its agents within a dedicated highway except that *significant trees* are protected regardless of location;
- f) tree *cutting* or pruning in accordance with sound horticultural practice for the maintenance of above ground utilities by a public utility or its contractors;
- g) *cutting* or *removal* by a British Columbia Land Surveyor when *cutting* survey lines of a width of less than two metres; or
- h) *cutting* and *removal* of any tree that is dead, diseased, damaged or that otherwise constitutes an imminent physical hazard to persons or property, provided that the *City Engineer* is satisfied, or that the *owner* submits a certified statement of an *arborist*, that the subject tree constitutes an imminent physical hazard to persons or property, all subject to the planting of a *replacement tree(s)* in accordance with Schedule E of this Bylaw.

4.2 A *permit*, *replacement tree(s)*, and security are required but the *permit* fee is not required to *cut* or *remove* one tree per 0.25 hectare of a parcel within any calendar year, provided the subject tree is not protected under any other provision of this Bylaw.

PART 5: CONDITIONS AND REQUIREMENTS

5.1 Application Requirements and Fees

An application for a *permit* to *cut* and *remove* a tree, to which this Bylaw applies, shall include:

- a) a completed application form as prescribed in Schedule A to this Bylaw, as modified from time to time by the *City Engineer*;
- b) written authority for an agent to act on behalf of the registered *owner(s)* of the parcel, if applicable;
- c) a non-refundable application fee in the amount of \$150 per 0.5 ha or portion thereof of the parcel(s) where the tree(s) is/are located unless the application is for permission to *remove a hazard tree* or a tree under subsection 4.1(h), in which case the fee is waived;
- d) a security deposit as determined by this Bylaw;
- e) a title search dated no more than five business days prior to application date;
- f) a site plan showing all property lines, buildings and structures; and
- g) for tree *cutting* and *removal* in *Riparian Areas*, the *owner* must undertake any applicable requirements of the Riparian Areas Regulation 376/2004 (Fish Protection Act, SBC 1997 c.21) and must conduct all work in compliance with the regulation.

5.2 General Conditions of a *Permit*

5.2.1 A *permit* in the form prescribed by the *City Engineer* may be issued with conditions to enable the

cutting or removal of any tree to which this Bylaw applies.

- 5.2.2 The *permit* shall be displayed in an accessible and conspicuous location on the parcel to which it pertains no less than 72 hours (3 days) prior to and during tree *cutting or removal* operations.

5.3 Permit Requirements

- 5.3.1 A *tree management plan* prepared by a *qualified person* and as stipulated under Part 6 of this Bylaw is required for any tree *permit* application where more than 10 trees are proposed for *removal* including where the *removal* is under provision 4.2, regardless of parcel area.
- 5.3.2 Notwithstanding 5.3.1, where the application for a *permit* is within a *Development Permit Area* a *tree management plan* may be waived subject to the *owner* providing *replacement trees* and security as set out in Part 6 of this Bylaw.
- 5.3.3 Where the application for a *permit* is made to facilitate the subdivision of a parcel of land subject to this Bylaw, a *tree management plan* pursuant to Part 6 shall be required and must provide for the following in addition all applicable requirements under Part 6:
- a) protection or *replacement* of any *significant tree* on the parcel of land as set out in Part 6 and Schedule E of this Bylaw;
 - b) protection of any tree within any protected area under this bylaw;
 - c) protection of all trees on the portion of the land set aside for a green way and/or park dedication pursuant to the provisions of the Land Title Act.
- 5.3.4 The *City Engineer* may require any or all of the following in considering *permit* issuance:
- a) a report prepared by a *qualified person* certifying that the proposed tree *cutting or removal* will not create an adverse impact such as but not limited to flooding, erosion, land slipping or negative impact to a *watercourse*;
 - b) where the site of the tree *cutting or removal* is on a *parcel* adjacent to or containing any part of a *watercourse*, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such *watercourse*;
 - c) a report prepared by an *arborist* to certify that a tree is dead, diseased, damaged or otherwise constitutes an imminent physical hazard to persons or property; and
 - d) such information as the *City Engineer* determines is necessary to adequately describe the nature and extent of the tree *cutting or removal* operation.

5.4 Permit Issuance, Denial and Expiry

- 5.4.1 The *City Engineer* may issue a *permit* provided an application meets the following:
- a) the application and associated documentation comply with the requirements of this Bylaw;
 - b) the proposed tree *cutting or removal* complies with this Bylaw and all other applicable *City* bylaws, provincial and federal regulations; and
 - c) subject to the observance or fulfillment of any additional conditions which in the opinion of the *City Engineer* are necessary to achieve Bylaw compliance.
- 5.4.2 The *City Engineer* may deny a *permit* if the proposed tree *cutting or removal*:
- a) is within an *Environmentally Sensitive Area* as located on Schedule B;
 - b) is within a *Riparian Area* unless the *cutting and removal* are in conformance with a *Riparian Assessment* accepted by the Province;

- c) will remove a *significant tree*;
- d) may create an adverse impact including flooding, erosion, land slip or contamination of a body of tidal water or a *watercourse*;
- e) where a *tree management plan* or other required submittal is incomplete or lacking in sufficient detail so as to enable the *City Engineer* to make a *permit* decision;
- f) results in tree *cutting* or *removal* in excess of 80% of the treed portion of a parcel as set out in Part 6.1(f) regardless of *replacement tree* undertakings and any *tree management plan* submission³; and
- g) where previous tree *removal* under any provision of this Bylaw or historical logging has not undergone subsequent re-growth whether by *replacement trees* or natural succession.

5.4.3 Every *permit* shall expire within 12 months from the date of issuance or upon such earlier date as may be specified in the *permit*.

5.5 **Renewal, Extension or Modification**

If the tree *cutting* or *removal* operation authorized by a *permit* is not completed prior to *permit* expiry, or it becomes necessary to vary from the of the *permit* conditions or *tree management plan*, the *City Engineer* may renew, extend or modify the *permit* upon written request of the *permit* holder, subject to the following:

- a) a *permit* holder has no vested right to receive an extension, renewal or modification and the *City Engineer* may require that a new *permit* be obtained;
- b) payment of a non-refundable fee of \$50;
- c) the *City Engineer* may not renew or extend a *permit* for a period of more than two years from the date of issuance date of the original *permit*;
- d) the *City Engineer* may require that the *permit* holder submit additional information authorized by this Bylaw as a condition to considering an *permit* renewal, extension or modification; and
- e) all terms and conditions set out in the original *permit* shall apply to each renewal, extension or modification of the *permit* except as amended or modified by the renewal, extension or modification.

PART 6: TREE MANAGEMENT PLAN

6.1 **Tree Management Plan**

Where a *tree management plan* is required to be submitted as a part of the application, it must be prepared by an *arborist* and any other *qualified person* and must include the following:

- a) the location, size and type of trees proposed to be *cut* or *removed*;
- b) certification by a *qualified person* that the proposed tree *cutting* or *removal* will not create an adverse impact including flooding, erosion, land slip or contamination of a *watercourse*;
- c) any proposed phasing of the *cutting*, *replacement* and *removal*;
- d) the measures to be taken for protection of all *significant trees* and trees to be retained on the parcel of land;
- e) *tree replacement* in accordance with 6.3 and Schedule E of this Bylaw complete with a detailed plan showing the proposed staging of tree *removal* and replanting and the anticipated rate of re-growth; and

³ Bylaw Amendment No. 2488

- f) on a parcel of land greater than 1 hectare, the *tree management plan* cannot provide for *cutting* and *removal* of more than 80% of trees on the subject area on the parcel of land as calculated exclusive of any area required for tree protection under any provision of this Bylaw but inclusive of the permitted annual *cut* under 4.2⁴.

6.2 Tree Cutting or Removal

Where the *cutting* or *removal* of trees has been authorized by the issuance of a *permit*, the person undertaking the *cutting* or *removal* shall undertake the following:

- a) each tree to be *cut* or *removed* shall be clearly identified with a flag, paint, survey tape or other such method and shall be maintained for the duration of the *permit*;
- b) a *barrier* shall be placed around those trees which will not be *cut* or *removed* in a manner to ensure that the trunk, branches and root structure of the trees are not damaged by the *cutting* or *removal* of the other trees and shall ensure that none of the activities set out in 3.2 of this Bylaw occurs in respect of such trees;
- c) the tree protection *barrier* must remain intact on any construction or demolition site throughout the entire period of construction or demolition;
- d) tree parts and wood waste shall be properly disposed of by chipping or *removal* from site in accordance with all applicable *City* bylaws and provincial regulations;
- e) restrict the hours of operation for *cutting*, *removal* or disposal of trees to those hours specified in the City of Powell River Noise Bylaw 1913, 2000; and
- e) all hazards or potential hazards arising from the tree *cutting* or *removal* operation shall be adequately fenced or otherwise protected for the safety of the public.

6.3 Replacement Trees and Security Period

- 6.3.1 Where the *City Engineer* has issued a *permit* to *cut* and *remove* a tree under the condition of replacement, the *owner* shall replace the tree *cut* or *removed* with a tree planted on the same parcel in accordance with the criteria set out in Schedule E.
- 6.3.2 Where a person is required by this bylaw to plant a *replacement tree* on a parcel and the parcel has been subdivided since the act giving rise to the requirement the *replacement tree* may be planted on a parcel that has been created by subdivision of or is adjacent to the original parcel.
- 6.3.3 An *owner* may be exempted from a requirement under subsection 6.3.1 to plant a *replacement tree* to the extent only, that an *arborist* certifies in writing to the *City Engineer* that such planting cannot be carried out in such a way that the survival of any *replacement tree* and any existing tree in the vicinity is not probable.
- 6.3.4 An *owner* shall plant and maintain every *replacement tree* in accordance with sound horticultural practice.
- 6.3.5 Where the planting and maintenance of a *replacement tree* is required pursuant to this Bylaw, the *owner* shall provide to the *City* security in the form of cash or an irrevocable letter of credit in the amount of \$200 in respect of each tree to be planted and maintained for the first 10 *replacement trees* and \$25 for each additional *replacement tree*.

⁴ Bylaw Amendment No. 2488

- 6.3.6 In the event that the *owner* fails to replace or maintain the trees in respect of which security has been provided to the *City*, the *City* may without notice to the *owner* plant or maintain the trees and apply the security to cost of doing so.
- 6.3.7 Upon written request by the *owner*, the security may be returned to the *owner* after three (3) years, commencing from the substantial completion of planting of *replacement trees*, and is eligible for release upon approval by the *City Engineer* provided that *replacement tree(s)* remain in a healthy condition.

PART 7: ADMINISTRATION

7.1 Inspection

The *City Engineer* is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this Bylaw or a *permit* issued under this Bylaw are being observed, or cause an assessment or inspection to be made of any trees to which this Bylaw applies.

7.2 Non-Compliance

The *City Engineer* may give notice, in the form established in Schedule F, to any person of a breach of or non-compliance with any of the provisions of this Bylaw or a *permit* issued under this Bylaw, and such person must immediately cease all tree *cutting* or *removal* activities until such breach or non-compliance is remedied to the satisfaction of the *City Engineer*, and every *owner* of land shall refuse to suffer or *permit* further tree *cutting* or *removal* operations upon the *owner's* land until such time as breach or non-compliance is remedied to the satisfaction of the *City Engineer*.

7.3 Failure to Remedy Non-compliance

In the event that an *owner* having received notice under section 7.2 fails within the time specified therein to remedy such breach, the *City* or its appointed agents may enter the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the *owner* in breach and, if not paid within 90 days, the expense with interest at the prescribed rate and costs shall be recovered from the *owner* of the lands in the same manner as City taxes.

7.4 Suspension or Cancellation of Permit

Without limiting the provisions under Part 7 or Part 8, a contravention of any term, condition or restriction of this Bylaw or where a *permit* was issued under this Bylaw on the basis of statements made in the application, submittals, declarations or records, as required, were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading; the *City Engineer* may:

- a) suspend in whole or in part the rights of the *permit* holder under the *permit*;
- b) cancel the permit with no refund of application fees; or
- c) amend or attach new conditions to a *permit* with the consent of the *permit* holder.

7.5 Right of Reconsideration

- 7.5.1 Where the *owner* of property is subject to a requirement or decision made by the delegated authority under this Bylaw and is dissatisfied with the requirement or decision, the *owner* may

apply to the *Council* for reconsideration of the matter within 60 days of the requirement or decision being communicated to them.

- 7.5.2 Any request for reconsideration must be delivered in writing to the *City Clerk* and must set out the grounds upon which the applicant considers the requirement or decision of the *City Engineer* is inappropriate and what, if any, requirement or decision the applicant or *owner* considers the *Council* ought to substitute.
- 7.5.3 At a meeting of *Council*, *Council* may hear from the *owner* and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the delegated authority or substitute its own requirement or decision.

PART 8: OFFENCES AND PENALTIES

- 8.1 Any person who contravenes or violates any provision of this Bylaw or of any *permit* issued under this Bylaw or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw or any *permit* issued under this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw or any *permit* issued under this Bylaw, commits an offence and upon conviction shall be liable to a fine of not more than \$10,000 and not less than \$500 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 8.2 In addition to any other penalty which may be imposed under this Bylaw, where a person *cuts, removes* or damages, or causes, suffers or permits any tree to be *cut, removed* or damaged in contravention of this Bylaw or in violation of any term or condition of a *permit* issued under this Bylaw, that person, within 30 days of receiving notice from the *City Engineer*, shall:
- a) submit an application, fee, a *tree management plan* prepared by a *qualified person* in accordance with the requirements of Schedule C, specifying the location and species of all *replacement trees*; and
 - b) plant and maintain on the same parcel in accordance with the approved *tree management plan* a minimum of two (2) *replacement trees* for each tree unlawfully *cut, removed* or damaged and in the event the *City Engineer*, determines it is not feasible or practical to replace the trees on the same parcel, the *replacement trees* shall be planted in on *City* lands in a location designated by the *City Engineer*.

This Bylaw shall come into full force and effect upon its adoption.

READ A FIRST TIME on the 8th day of May, 2008.

READ A SECOND TIME on the 8th day of May, 2008.

READ A THIRD TIME on the 8th day of May, 2008.

ADOPTED on the 13th day of May, 2008.

Stewart B. Alsgard, Mayor

Marie Claxton, City Clerk

SCHEDULE A

City of Powell River TREE CUTTING PERMIT APPLICATION

File No: _____

Date: _____

Application Information - Check completed item as part of the application package:

Required Submittals

- ☐ Complete application form signed by registered owner(s) of the subject land
- ☐ Application fee
- ☐ Copy of British Columbia Land Title for the subject property dated no more than five days prior to the date of application
- ☐ Written statement of purpose for the proposed tree *cutting or removal*

Supporting Documentation (if required)

- ☐ Security Deposit
- ☐ Existing tree inventory plan prepared by an *arborist* (as defined in Bylaw 2174)
- ☐ *Tree Management Plan* as prescribed in Part 6 of Bylaw 2174
- ☐ Supporting professional reports
- ☐ Proposed development plan if required detailing location, lot dimensions, highway dedications/existing roads, rights-of-way, water courses, wetlands and pertinent topographic features

Subject Property Information

Civic Address (*street address or general location*): _____

Lot _____ Block _____ District Lot _____ Plan _____

PID _____ Roll No. _____

Existing Land Use: _____

Existing Zone: _____ Lot Size & Dimensions _____

Owner under British Columbia Land Title

First Name: _____ Last Name: _____

Company Name: _____

Address: _____ City: _____

Province: _____ Postal Code: _____

Telephone: _____ Cell: _____ Email: _____

Agent or Consultant Working Under Written Authority of the Owner – if applicable

First Name: _____ Last Name: _____

Company Name: _____

Address: _____ City: _____

Province: _____ Postal Code: _____

Telephone: _____ Cell: _____ Email: _____

Tree *Cutting* Information (attach separately if submitted as part of Tree Management Plan)

Number, Size and Type of Tree(s) to be *Cut* (include approximate height and diameter at breast height):

Reasons for *cutting* or *removal* of trees: _____

Method of access to site during *cutting*: _____

Barrier methods proposed to protect trees remaining standing: _____

Agent or Consultant/Owner Authorization (Complete ONE of the following)

If Owner Personally Applying

I, _____ declare that I am the registered owner of the real property legally described as: Lot _____ District Lot _____ Block _____ Plan _____ and that I am registered as such in the Land Registry Office of New Westminster, BC.

Signature of Owner: _____ Date: _____

Name (Please Print): _____

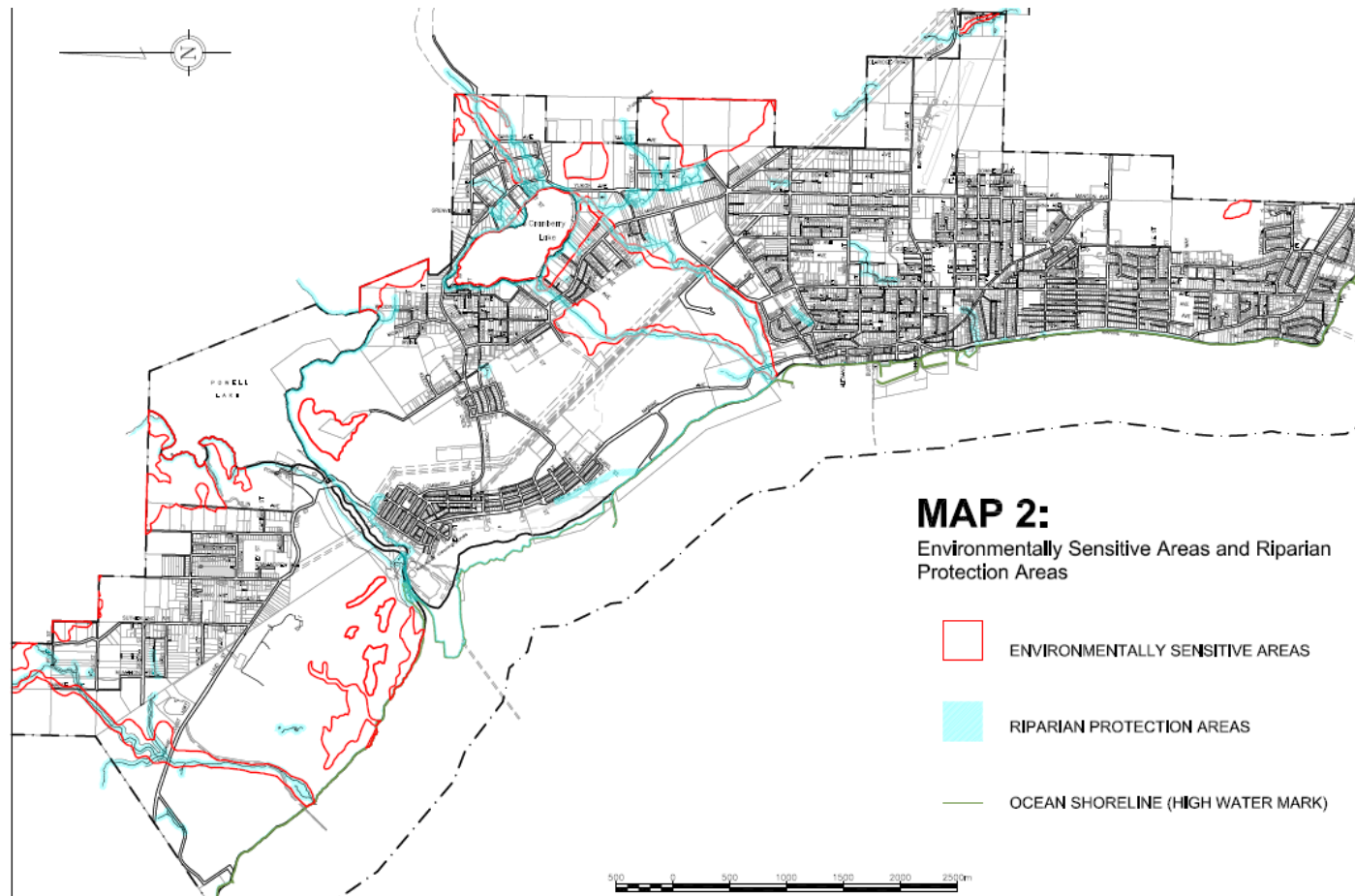
If Agent or Consultant is Applying on Behalf of Owner

I, _____ declare that I am the authorized agent for _____ who is the registered owner of the real property legally described as: Lot _____ District Lot _____ Block _____ Plan _____ And that the 'Signature of Owner' attached hereto is that of the registered owner

Signature of Agent: _____ Signature of Owner: _____

Date: _____

SCHEDULE B



ENVIRONMENTALLY SENSITIVE AND RIPARIAN AREAS

SCHEDULE C

TREE MANAGEMENT PLAN

Required Information

- ☐ Existing or proposed development and/or subdivision plan detailing location, lot dimensions and uses, highway dedications, roadways, rights-of-way, water courses, wetlands and pertinent topographic features completed to a legible scale legible
- ☐ Location, species and *DBH* of trees proposed to be *cut* or *removed*
- ☐ Location, species and *DBH* of trees proposed to be retained
- ☐ Approximate location of proposed *replacement trees* and schedule of *replacement trees*
- ☐ Identification of trees to be protected, *removed* and the kind of alteration (in phases if required) to be carried out; demonstrating that consideration has been given to the preservation of important trees as part of the tree *cutting* plan

Note: Protected trees of all sizes must be identified, however, except in riparian *assessment areas*, trees having a *DBH* of less than 20 centimeters need not be identified.

SCHEDULE D

SIGNIFICANT TREES

Trees which Council consider important and significant to the community include:

SPECIES	LOCATION	Legal Description
Silver Beech <i>Fagus Silvatica</i>	6274 Walnut Street (Dwight Hall – Cenotaph)	Lot 1 District Lot 450 Block 12 NWD Group 1 Plan 6606 Exc Pcl A
Silver Beech <i>Fagus Silvatica</i>	5714 Marine Avenue (Lawn Bowling)	LOT 1 and Lot 2 District Lot 450 Block 23 NWD Group1 Plan 9247 and Lot 2 District Lot 450 Block 23 NWD Group1 Plan 9247 Tennis Courts
Black Locust <i>Robinia pseudoacacia</i>	Vacant Lands along Marine Avenue (Triangular Gardens)	District Lot 450 Block 18A NWD Group1 Plan 9247 Except Plan 12273 & 14778, & Exp Plan 5457 & 7624
Garry Oak <i>Quercus garryana</i>	7160 Duncan Street	District Lot 5120 NWD Group1 Except Plan 21755, FR NW ¼
London Plane <i>Platanus acerifolia</i> Red Maple <i>Acer rubrum</i>	6910 Duncan Street	Lot A District Lot 5122 Block 2 NWD Group1 Plan 4187R & Lot 2 DL 5122 Plan 5573 Exc PL 4187R & Exc Leased Portion on Folio 2148.001

SCHEDULE E

REPLACEMENT TREES

Where *replacement trees* are required to be provided pursuant to Bylaw 2174, such *replacement trees* shall be provided and planted as follows:

- a) every deciduous *replacement tree* shall be of the minimum diameter breast height specified for *replacement trees* in Column 3 of Table 1;
- b) every coniferous *replacement tree* shall be a tree of the minimum height specified for *replacement trees* in Column 2 of Table 1 of this Schedule;
- c) generally, the determination of *replacement tree* species (i.e. whether the species is coniferous or deciduous and ornamental or native, as best suits the site and soil conditions) shall be as proposed by the *arborist* and approved by the City Engineer;
- d) every *replacement tree* shall be spaced from existing trees and other *replacement trees* in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current BCSLA (the British Columbia Society of Landscape Architects)/BCLNA (the British Columbia Landscape & Nursery Association) Landscape Standards; and
- e) all *replacement trees* shall meet current BCSLA/BCLNA standards or such other standard as specified by the *City Engineer*.

Table 1: *Replacement Trees*

<i>DBH of tree cut or removed</i>	<i>Minimum height coniferous replacement tree</i>	<i>Minimum DBH deciduous replacement tree</i>
COLUMN 1	COLUMN 2	COLUMN 3
20-30 cm (8"–12")	1.5 m (5 ft)	5 cm (2")
30-50 cm (12"–20")	two trees of 3 m (10 ft)	two trees of 8 cm (3")
50 cm plus (20"+)	three trees of 3 m (10 ft)	three trees of 8 cm (3")

Table 2: *Suggested Replacement Trees*

Medium Zone Varieties	Common Name
Acer Circinatum Pursh	Vine Maple
Acer Palmatum	Purple Japanese Maple
Carpinus Betulus Columnaris	European Hornbeam
Cercis Canadensis	Red Bud
Cercidiphyllum Japonica	Katsura Tree
Cornus "Eddies White Wonder"	Dogwood
Davidia Involvarata	Dove/Handkerchief Tree
Fraxinus Ornus	Flowering Ash
Kodreutaria Paniculata	Golden Rain Tree
Magnolia Denudata	Yulan Magnolia

Magnolia Kobus DC	Northern Japanese Magnolia
Malus Spectabilis	Chinese Crab
Oxydendrum Arboreum	Sorrel Tree
Parrotia Persica	Persian Ironwood
Quercus Palustris	Pin Oak
Styrax Japonica	Japanese Snowbell
Styrax Obassia	Big Leaf Storage
Ulmus Glabra Camperdown	Camperdown Elm

Low Zone Varieties

Acer Griseum	Paperbark Maple
Acer Palmatum	Japanese Maple
Magnolia Stellata	Star Magnolia
Malus SPP	Flowering Crab Apple
Crategeus Laevigata	Hawthorn

SCHEDULE F

**NOTICE OF NON-COMPLIANCE
& STOP WORK ORDER**

YOU ARE HEREBY NOTIFIED that the City of Powell River considers activity on this property to be in breach of City of Powell River Tree Protection Bylaw 2174, 2008,

AND ALL PERSONS SHALL IMMEDIATELY CEASE the following activity on this property:

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

Persons affected by this Order may seek further information at the Development Services Counter, City Hall, 6910 Duncan Street, Powell River, BC V8A 1V4.

Address of Property

Date

City Engineer

**NO PERSON MAY REMOVE, ALTER, COVER, OR
IN ANY WAY TAMPER WITH THIS NOTICE
WITHOUT AUTHORIZATION BY
THE CITY OF POWELL RIVER**