

**DISTRICT OF NORTH SAANICH**

**TREE PROTECTION BY-LAW**

**NO. 935**

**CONSOLIDATED FOR CONVENIENCE ONLY**



**NOVEMBER 18, 2002**

The amending by-laws which have been consolidated into “District of North Saanich Tree Protection By-law No. 935” are as follows:

1000, 1015, 1149

as on June 4, 2007

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This consolidation of the District of North Saanich Tree Protection By-law and amendment has been prepared exclusively for the use of the District of North Saanich for convenience only.

The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.

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## DISTRICT OF NORTH SAANICH

### BY-LAW NO. 935

#### A BY-LAW TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF TREES

WHEREAS the Municipal Council may, by By-law, exercise certain powers to preserve and protect trees within the Municipality and regulate their cutting and removal;

AND WHEREAS the Municipal Council considers it in the public interest to deter logging and the clear-cutting of treed parcels of land and to provide for the protection and preservation of trees, the regulation of their cutting and removal;

AND WHEREAS the Municipal Council desires to institute a permitting system whereby trees may be cut in specific circumstances upon issuance of a tree cutting permit;

NOW THEREFORE the Municipal Council of the District of North Saanich in open meeting assembled enacts as follows:

#### 1. DEFINITIONS

In this By-law,

**“Agricultural use”** means a use providing for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including but not limited to forages and sod crops, greens and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats and any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; and fruits of all kinds, vegetables, nursery, flora, ornamental and greenhouse products.

**BL 1000** **“Certified Arborist”** means a person holding a current certification of “Certified Arborist” issued by the International Society of Arboriculture.

**BL 1015** **“DBH” (Diameter at Breast Height)** means the diameter of the trunk measured 1.37 metres (4.5 feet) above grade.

**BL 1000**  
**BL 1015**  
**BL 1149** **“Director”** means the person appointed by Council as the Director of Development and Community Services or designate.

**“District”** means, as the context requires, the District of North Saanich or the area within the boundaries of the District of North Saanich.

**BL 1015** **“Hedge”** means a row of trees or shrubs that have been specifically planted closely together so that they form an unbroken line that serves as a solid barrier separating one space from another.

**“Owner”** means the registered owner in fee simple of a parcel of land and the trees growing on it, or a person authorized by the owner or owners in writing.

**BL 1015** **“Stand”** means a community of trees sufficiently uniform in species, size, arrangement and age to be distinguishable as a group.

**BL 1015** “*Tree*” means a woody perennial plant having a single or multiple stem which has a diameter at breast height (DBH) of at least 10 centimetres (4 inches) when measured from a height of 1.37 metres (4.5 feet) above the natural grade of the land, but for the purposes of this by-law does not include a hedge.

**2. APPLICATION**

**BL 1015** 2.1 For certainty, this By-law does not apply to any tree in the District with a DBH of less than 10 centimetres (4 inches).

**BL 1015 3. MEASUREMENT**

In this by-law:

- (a) the diameter of a tree shall be determined by dividing the circumference of the trunk measured 1.37 metres (4.5 feet) above the ground by 3.142;
- (b) the diameter of a tree having multiple trunks 1.37 metres (4.5 feet) above the ground shall be the sum of:
  - (i) 100% of the diameter of the largest trunk, and
  - (ii) 60% of the diameter of each additional trunk;
- (c) the location of a tree on a lot shall be measured at the point at which the trunk of the tree meets the ground.

**BL 1000 4. EXEMPTIONS**

4.1 This By-law does not apply to:

- (a) any tree that constitutes an imminent danger or hazard to persons or property;
- (b) cutting and removal of trees within the Agricultural Land Reserve established under the *Agricultural Land Commission Act* and amendments thereto, provided that the Owner files with the District an affidavit verifying that the purpose of cutting or removal of a tree is to enable the land on which the trees are growing to be used for an Agricultural use;
- (c) normal pruning of the roots or branches of trees where such pruning is required by sound arboricultural practice or required for the safe operation of overhead transmission lines;
- (d) the cutting and removal of trees by a qualified land surveyor pursuant to the *Land Surveyors Act*, and amendments thereto when cutting survey lines of a width of less than 2 metres (6.5 feet);
- (e) the development by the District, or its contractors of parks or works required to provide a public service or utility; or
- (f) land required for roads, utilities or drainage on a parcel of land for which preliminary layout approval for subdivision has been granted by the Approving Officer.

**BL 1015**

**BL 1000 5.      SIGNIFICANT TREES**  
**BL 1015**

- 5.1 The trees identified on Schedule “D” attached hereto are hereby designated as “Significant Trees” pursuant to section 710 (1) of the *Local Government Act* because of their importance to the community, including importance for heritage or landmark value or as wildlife habitat.
- 5.2 No person shall cut down a significant tree designated under this by-law.
- 5.3 Any person conducting construction works of any kind on any property where a significant tree has been designated under this by-law, shall prior to the commencement of the construction works, install a barrier fence to protect the trees’ critical root zone (CRZ). For the purposes of this section, the CRZ shall be defined as the canopy drip line of the tree. A barrier fence shall be installed on the perimeter of the canopy drip line of the tree to a minimum standard of using steel rebar as posts and “snow fencing” at least 1.5 metres (4.9 feet) in height, as the connecting material. This barrier fence must be installed prior to any construction works taking place to prevent all traffic, including vehicles and persons, from accessing the tree’s CRZ. A permit for removal may be issued if the request is accompanied by a written report from an ISA Certified Arborist, trained in Hazard Tree Evaluation, stating that the tree is a hazard and must be removed.
- 5.4 At any time during excavation works near a significant tree, but outside the CRZ, any tree roots of a significant tree that are encountered and are over one inch in diameter must be exposed by hand digging and cut. The root cuts should be clean and precise, and the exposed roots must be backfilled with the same soil immediately after the cutting to minimize drying. It is the responsibility of the property owner to ensure the aforementioned works are carried out under the direct supervision of a Certified Arborist.

**BL 1000 6.      CUTTING AND REMOVAL OF TREES**  
**BL 1015**  
**BL 1149**

- 6.1 Prior to cutting down or removing a tree, application must be made to the District.
- 6.2 A tree may only be cut down or removed where its Owner holds a valid and subsisting permit to do so.
- 6.3 Notwithstanding section 6.2, the Owner of a parcel of land may, without a permit, providing an application on the prescribed form has been submitted to the District, cut down or remove:
- (a) on a parcel of land .4 hectares (4,000 square metres) or less in area, 25 trees per calendar year with a diameter of 20 centimetres or less or 5 trees per calendar year with a diameter greater than 20 centimetres;
  - (b) on a parcel of land larger than .4 hectares (4,000 square metres) in area, 25 trees per acre per calendar year with a diameter of 20 centimetres or less or 5 trees per acre per calendar year with a diameter greater than 10 centimeters, provided that not more than 25 trees with a diameter less than 20 centimetres or 5 trees with a diameter exceeding 20 centimetres are cut in a contiguous group.

**BL 1000 7.      PROHIBITIONS**  
**BL 1015**

- 7.1 The cutting down, removal or damage of trees within the District is prohibited except where permitted by and where carried out in accordance with the terms of this By-law.

- 7.2 No person shall fail to comply with the terms and conditions of a permit issued pursuant to this By-law.

***BL 1000*** 8. **OFFENCE**  
***BL 1015***

- 8.1 Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done or omits to do anything required to be done in contravention or in violation of any provision of this By-law is guilty of an offence against this By-law and is liable to the penalties hereby imposed.
- 8.2 Each tree cut down or removed in violation of the provisions of this By-law shall constitute a separate offence.

***BL 1000*** 9. **PENALTY**  
***BL 1015***

- 9.1 Every person who commits an offence against this By-law is liable to a fine and penalty of not less than \$5,000.00 for each offence.

10. **TREE CUTTING OR REMOVAL PERMIT APPLICATION FEES AND PERMIT**

- BL 1149*** 10.1 Applications for tree cutting and removal shall be made on an application form prescribed by the Director and be accompanied by all information required by the Director, including:

- (a) Name of the Property Owner;
- (b) Civic and legal address of property (ies) that are affected;
- (c) Signature of the Property Owner;
- (d) Date of application;
- (e) A plan of the property drawn at a scale acceptable to the Director with the trees to be removed marked in red and trees to be retained marked in green; and, if applicable;
- (f) A written opinion from a registered arborist trained in Hazard Tree Evaluation if the trees being removed are considered a hazard because they are dead, diseased or dying.

- BL 1149*** 10.2 Application fees shall be paid in accordance with the Fee and Charges Bylaw of the District as amended from time to time.

- BL 1000*** 10.3 The Director of Services may issue a permit to cut down or remove a tree  
***BL 1015*** where the Director of Services determines that the cutting down or removal:

- (a) is reasonably required for the construction of a building, structure, off-street vehicular parking area, driveway or septic field that is the subject of a building permit issued by the District in accordance with its by-laws;
- (b) is reasonably required for the construction of highways or works or services required by the By-laws of the District in connection with subdivision of land, and the Approving Officer has approved the subdivision plan or issued a letter of preliminary layout approval; or
- (c) is reasonably required because, in the opinion of a Certified Arborist holding a valid certificate in Hazard Tree Evaluation, the tree is dead, diseased, dying or unstable having regard to its exposure to wind and is in danger of causing injury to persons or property.

***BL 1015***

- BL 1149** 10.4 The permit shall be in the form prescribed by the Director and will include the following information:
- (a) Civic and legal address of the property (ies) that are affected;
  - (b) Have a tree plan prepared in accordance with section 10.1 attached;
  - (c) The date of issuance;
  - (d) Permit number; and
  - (e) The signature of the Director or designate.

- BL 1149** 10.5 No application for a permit shall be complete unless the application contains all applicable information required in the application form and the fee has been paid.

**11. INSPECTIONS AND ASSESSMENTS**

- BL 1000**  
**BL 1015** 11.1 When an application for a permit is made under this By-law, the Director of Services may inspect or cause an inspection to be made of any trees in a site on which they grow and may assess the location, size, condition and species of the tree.

- 11.2 In addition to inspections under section 9.1, inspections and assessments of trees and the land on which they grow may be undertaken in the following circumstances:

- (a) when the land is the subject of an application for subdivision, a development permit, a development variance permit, a temporary commercial or industrial permit, a building permit or a permit under this By-law;
- (b) when directed by resolution of Council; or
- (c) to ascertain whether the provisions of this By-law are being observed.

- BL 1000**  
**BL 1015** 11.3 For the purposes of any inspection authorized herein, the Director of Services may enter onto any land at all reasonable times.

**BL 1000** **12. GENERAL PROVISIONS**  
**BL 1015**

The provisions of this By-law are severable and the invalidity of any part of this By-law shall not affect the validity of the remainder of this By-law.

**BL 1000** **13. CITATION**  
**BL 1015**

This By-law may be cited as “District of North Saanich Tree Protection By-law No. 935, 1999”.

***BL 1000* 14.    REPEAL  
*BL 1015***

“District of North Saanich Tree Protection By-law No. 787, 1994” is hereby repealed except insofar as it may repeal any other by-law.

READ A FIRST TIME the 1<sup>st</sup> day of November, 1999.

READ A SECOND TIME the 1<sup>st</sup> day of November, 1999.

READ A THIRD TIME the 1<sup>st</sup> day of November, 1999.

FINALLY PASSED AND ADOPTED the 8<sup>th</sup> day of November, 1999.

L. Michaluk  
MAYOR

S. Joyce  
CLERK



## BY-LAW NO. 935

### SCHEDULE 'B'

#### Permit Fees

- BL 1015 1.** Fees for a Tree Cutting Permit for trees that do not fall within the scope of section 6.2 of this by-law shall be \$100.00 plus \$10.00 per tree to be cut down or removed and shall be payable upon issuance of the Permit, except that no permit fee shall be required in respect of any tree permitted to be cut down and removed because it is dead, diseased, or dying and in danger of causing injury to persons or property.
- BL 1015 2.** There shall be no Tree Cutting Permit fee charged for trees that fall within the scope of Section 6.2 of this by-law.

BY-LAW NO. 935

SCHEDULE 'C'

Tree Cutting Permit No. 20\_\_ / \_\_\_\_\_

DISTRICT OF NORTH SAANICH

TREE CUTTING PERMIT

- 1. This Permit is issued pursuant to the District of North Saanich Tree Protection By-Law No. 935 and applies to the following lands:

Civic Address: \_\_\_\_\_  
 \_\_\_\_\_

Legal Description: \_\_\_\_\_  
 \_\_\_\_\_

- 2. This Permit authorizes the cutting and removal of only the trees listed and described on Schedule "A" of this Permit.
- 3. Any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of the District of North Saanich Tree Protection By-law No. 935.

CALCULATION OF COSTS FOR TREE REMOVAL

NUMBER	DESCRIPTION	UNIT FEE	TOTAL
	Dead or Dying trees	Nil	Ø
	Over 20 cm (8") diameter (max. 5/year)	Nil	Ø
	10 cm (4") to 20cm (8") diameter (25 max)	Nil	Ø
	Over 20cm (8") exceeding allowance	\$10.00	\$
1	Tree Cutting Permit fee	\$100.00	\$100.00
	<b>TOTAL FEE PAYABLE</b>		\$

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dated: .....  
 .....  
 Director of Services

**TREES ON PRIVATE PROPERTY DESIGNATED AS "SIGNIFICANT TREES"**

<b><u>LEGAL DESCRIPTION</u></b>	<b><u>LOCATION &amp; SIZE</u></b>	<b><u>TYPE OF TREE</u></b>	<b><u>TAG NO.</u></b>
On property line between Lots 17 & Pt. 18, easterly portion, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 0.83 m Height - 18.81 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>001</u></b>
Pt. 18, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 1.21 m Height - 29.94 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>002</u></b>
Lot 17, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 0.59 m Height - 14.87 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>003</u></b>
Lot 17, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 0.72 m Height - 18.22 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>004</u></b>
Lot 16, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 1.02 m Height - 18.22 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>005</u></b>
Lot 16, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 1.25 m Height - 27.61 As per tree location survey	Garry Oak (Quercus garryana)	<b><u>006</u></b>
On property line between Lots 16 & 17, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 1.12 m Height - 23.55 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>007</u></b>
Lot 3, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 1.13 m Height - 21.32 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>008</u></b>
Lot Pt.1, Block 1, Section 13, Range 1 West, NSD Plan 2276	Diameter - 0.75 m Height - 18.28 m As per tree location survey	Garry Oak (Quercus garryana)	<b><u>009</u></b>
<b><u>Tree location survey referred to in this bylaw is comprised of a map and may be obtained or perused if desired at the Municipal Hall</u></b>			