

NO: R210

COUNCIL DATE: November 16, 2009

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 16, 2009**

FROM: **General Manager, Planning and Development**

FILE: **3900-20-16100**

SUBJECT: **Amendment to Surrey Tree Protection Bylaw**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to Schedule "D" of Surrey Tree Protection Bylaw, 2006, No. 16100 (the "Tree Bylaw") as described in this report and documented in Appendix I; and
3. Authorize the City Clerk to bring forward an appropriate amending bylaw for the required readings.

INTENT

The purpose of this report is to obtain Council approval for an amendment to Schedule "D" of the Tree Bylaw.

BACKGROUND

In September 2006, Council adopted the current Tree Bylaw. This was the culmination of an extensive consultation process with various committees, interest groups and the public. The Tree Bylaw is intended to:

- encourage and provide incentive for tree retention and replacement;
- provide flexibility in tree retention and replacement;
- clarify the trees that are to be protected and replaced;
- provide for reasonable administration and enforcement of the bylaw; and
- establish standards.

DISCUSSION

Schedule "D" of the Tree By-law contains the standard Tree Cutting Permit. The current Permit format dates back to 1996. With the passage of time, it has become evident that this format does not include all of the necessary information to adequately administer the Tree Bylaw and keep an appropriate data base on the City's trees. To address this situation, it is recommended that the following additional information be required in a new Permit format:

- the number of existing trees to be retained on the subject site;
- the number of hazardous/dead trees to be removed;
- classification of the permit into one of "hazardous", "standard" and "other" categories;
- the inclusion of relevant data from an arborist report on the tree(s) proposed for removal, as well as the trees remaining on the subject site and any tree(s) on adjoining site(s) that may be affected by any proposed tree removal; and
- additional space for comments on special cases.

The proposed Permit, containing the above-referenced additional information, is attached as Appendix I to this report. The expanded scope of information is intended to improve consistency and record keeping in the permitting process and add content and detail to the data base on City trees. Appendix II is a copy of Schedule "D" as is currently contained in the Tree By-law.

The expanded data base, resulting from the proposed Permit format change, will enhance the City's capability to better serve the development industry and the public.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve an amendment to Schedule "D" of the Tree Bylaw as described in this report and documented in Appendix I; and
- Authorize the City Clerk to bring forward an appropriate amending bylaw for the required readings.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

SW/vll/saw

Attachments:

Appendix I Proposed Amendments to Schedule "D" of the Tree Bylaw

Appendix II Existing Schedule "D" of the Tree Bylaw

CITY OF SURREY

TREE REMOVAL PERMIT

(Schedule "D", Surrey Tree Protection Bylaw, 2006, No. 16100)

TREE INFORMATION LINE: 604-591-4675

SURREY TREE PROTECTION BY-LAW NO. 16100 www.surrey.ca/treeprotection

PROJECT ADDRESS:

LEGAL DESCRIPTION:

ZONE:

EXPIRY DATE:

PERMIT TYPE:

SECURITY AMOUNT:

WORK DESCRIPTION:

APPLICANT:

OWNER:

ARBORIST/CONTRACTOR:

OF TREES TO BE REMOVED:

OF REPLACEMENT TREES:

OF HAZARDOUS TREES TO BE REMOVED:

OF TREES TO BE RETAINED:

ADDITIONAL COMMENTS:

ISSUED BY:

DATE OF ISSUANCE:

FOR GENERAL MANAGER

Terms and Conditions

One copy of this permit must be posted on site, visible to the public, during tree removal.

This permit authorizes the permit holder (with owner approval) to cut and remove only the trees listed and described on this permit, subject to the Surrey Tree Protection Bylaw, 2006, No. 16100, and the following terms and conditions:

1. Issuance of a tree cutting permit does not exempt a permit holder, property owner or contractor from complying with all applicable municipal, provincial and federal statutes, by-laws and regulations.
2. Applicable laws include but are not limited to, the City's Erosion and Sediment Control By-law, Federal Migratory Birds Convention Act, Federal Fisheries Act, Federal Species at Risk Act and the Provincial Wildlife Act. Tree cutting should be avoided during the breeding bird nesting season, generally between March 15th and August 15th. Furthermore, the nests of eagles, herons, peregrine falcons, gyrfalcons and osprey have year round protection and cannot be removed at anytime. Any attempt to remove, damage, injure or molest these nests may result in contravention of the Wildlife Act.
3. Replacement trees must be planted over 3 metres from a foundation wall where their mature size will not interfere with utilities, especially overhead BC Hydro service lines. All replacement trees must comply with Section 9 of Surrey Tree Protection Bylaw, 2006, No. 16100.
4. All trees (other than those authorized to be removed by this permit) are to be retained, maintained (especially watered) and protected during the tree removal and construction process. Barriers may only be removed at time of landscaping and when final grading is complete. **No** heavy equipment, including front-end loaders, is to enter the critical root zone at anytime. Stumps and underlying roots of "trees to be removed" must remain if they are within the critical root zone radius of protected trees, although stumps can be ground down.
5. Trees removed on steep slopes must have the stumps left in place to mitigate or reduce risk of future soil erosion.
6. An I.S.A. Arborist is to be present on site to monitor and supervise any excavation within the critical root zone of any tree(s) to be retained. Any damage to roots, trunk or branches must be reported to the City (604-591-4675) immediately.
7. Once replacement trees are planted, please call **604-591-4675** to book a replacement tree inspection.
8. This permit authorizes the permit holder to cut and remove only the trees listed and described in the attached Arborist report **or** the trees shown in the attached photographs or plans, copies of which are attached to and form part of this permit.
9. Any tree authorized to be cut or removed by this permit shall only be cut or removed in strict compliance with provisions of the Surrey Tree Protection Bylaw, 2006, No. 16100.

The permit holder, property owner and contractor are responsible for knowing and complying with all federal, provincial and municipal laws before the removal of any tree and must familiarize themselves with all applicable laws.



SCHEDULE "D"
Tree Cutting Permit

T-06-

CITY OF SURREY

TREE CUTTING PERMIT

(Schedule "D" Surrey Tree Protection Bylaw, 2006, No. 16100)

PROJECT ADDRESS:

LEGAL DESCRIPTION:

ZONE:

EXPIRY DATE:

PERMIT TYPE:

SECURITY AMOUNT:

WORK DESCRIPTION:

APPLICANT:

OWNER:

ARBORIST:

OF TREES TO BE REMOVED:

OF REPLACEMENT TREES:

OF HAZARDOUS TREES TO BE REMOVED:

TERMS AND CONDITIONS:

ISSUED BY:

DATE OF ISSUANCE:

FOR GENERAL MANAGER

PLEASE READ THE FOLLOWING CAREFULLY

ONE COPY OF THIS PERMIT MUST BE POSTED ON SITE, IN A PLACE VISIBLE TO THE PUBLIC, DURING TREE REMOVAL

TREE CUTTING PERMITS

1. This Permit authorizes the Permittee to cut and remove only the trees listed and described on Appendix "A" of this Permit subject to the terms and conditions hereinafter set out.
2. This Permit is issued subject to the following terms and conditions:
 - (a) any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of Surrey Tree Protection Bylaw, 2006, No. 16100;
 - (b) all trees cut or removed pursuant to this Permit shall be replaced in accordance with the tree replacement plan attached hereto as:
 - Appendix "A" of this Permit; **OR**
 - Appendix "B" of this Permit;
 - (c) tree protection barriers shall be constructed and maintained, around all trees to be preserved which will be impacted in any way by any site disturbance, in accordance with Surrey Tree Protection Bylaw, 2006, No. 16100;
 - (d) all replacement trees shall be planted and maintained in accordance with the provisions of Surrey Tree Protection Bylaw, 2006, No. 16100;
 - (e) The arborist or arboricultural firm that assesses the trees can not also remove the trees.
3. The securities which have been provided by the Permittee are held by the City of Surrey pursuant to the terms and conditions of Part 8 of Surrey Tree Protection Bylaw, 2006, No. 16100.
4. If this Permit authorizes the pruning of a significant tree, it is a term and condition of the issuance of this Permit that such pruning be carried out for and in accordance with good, sound arboricultural practice and not for any other purpose or in any other manner and shall be carried out under the on-site supervision of a qualified arborist.

HAZARDOUS TREE CUTTING PERMIT

1. This Permit authorizes the Permittee to cut and remove only the trees:
 - listed and described in the arborist's report which is attached to this permit; **OR**
 - the tree(s) shown in the photographs, copies of which are attached to this Permit;

AND

subject to the terms and conditions hereinafter set out.
2. Any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with provisions of Surrey Tree Protection Bylaw, 2006, No. 16100.
3. No charge shall be required for the issuance of a Hazardous Tree Cutting Permit.