



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**TREES, VIEWS & LANDSCAPES COMMITTEE MEETING  
OF THE VILLAGE OF LIONS BAY  
HELD ON WEDNESDAY, AUGUST 7, 2019 at 11:00 AM  
ON SITE: 52 BRUNSWICK BEACH ROAD**

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**AGENDA**

- 1. Call to Order**
- 2. Appointment of Recorder**
- 3. Approval of the Agenda**
- 4. Public Questions & Comments**
- 5. Approval of Minutes**
  - A. Trees, Views and Landscapes Committee – May 31, 2019 (Page 3)
- 6. Business Arising from the Minutes**
- 7. Unfinished Business**
  - A. Tree Application #94: 52 Brunswick Beach Road (Page 5)
  - B. Tree Application #94: 52 Brunswick Beach Road – Report to Council (Page 39)
- 8. New Business**
- 9. Public Questions & Comments**
- 10. Adjournment**

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Minutes of the Tree Committee meeting

May 31<sup>st</sup>, 2019 – Revised on July 15<sup>th</sup>, 2019

On-site @ 52 Brunswick Beach Road – #94

In attendance; Chair, Jay Barber, Jim Cannell and Mike Jury

1. The meeting was called to order at 09:01 am.
2. Jay Barber was appointed Recorder for the meeting.
3. The Agenda was approved unanimously.
4. Public Participation –
  - o Carl and Nikki – owners of #52 Brunswick
  - o Anne-Marie Gates - owners #51 Brunswick
  - o Mike Wilson – owners of #49 Brunswick
  - o Norman and Harley Pellow - owners #6 Brunswick
  - o Stephanie Lawton - owners #55 Brunswick
5. The minutes from the previous meeting on May 9<sup>th</sup>, 2019 were approved unanimously.
6. Old Business; None.
7. New Business

Tree Application #94 – 52 Brunswick beach Road - moved by Mike Jury; Seconded by Jay Barber, that:

- a) *A very contentious meeting with spirited discussion between neighbour with varying opinions*
  - b) *Considerations to council that have not been address:*
    - *Does Fisheries and Oceans have jurisdiction?*
    - *If trees remain, long term cost for “routine maintenance” falls on village based on bylaw 3.4.4*
    - *What is Village Liability if application is declined and trees remain and fall or injure?*
    - *If trees remain and house built, foundation will encroach drip line and impact root system making them a safety hazard long term*
    - *Build will change drainage may dry out root system creating safety risk*
    - *Consider 3<sup>d</sup> certified Arborist consult to climb trees to asses further*
    - *Cost to remove trees after house built would be much more difficult and expensive*
    - *Owners may not **build solar heating system** if the trees remain. Tax implications?*
  - c) *Additional Public Feedback*
    - Carl and Nikki – owners of #52 Brunswick
    - Safety risk
    - Need light to power solar
    - Long term risk if trees remain
    - Removal of three trees was only subject at the time of purchase – **the village advised that this subject never existed within the purchase documents**
    - Changing winds and tides
    - Lack of Village maintenance contributed to current instability
    - Agreed to bear the cost replacing staircase and stabilizing bank
    - Anne-Marie Gates - owners #51 Brunswick
    - If removed, staircase would need to be replaced but at who's cost?
    - Considering moving in a few years.
    - Mike Wilson –of #49 Brunswick
      - i. Agreed middle tree should go
8. Adjournment; - The meeting adjourned at 9:42 am.

Jay Barber

Recorder

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**RECEIVED**  
 APR 26 2019  
 Cash \$75-  
 844416

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

Tree Cutting Application Form

All fields must be completed

Applicant's Full Name: NICOLE & CARL WIND	
Address: 52 BRUNSWICK BEACH ROAD	
Phone: [REDACTED]	Email: [REDACTED]
Arborist/Contractor Name: MATTHEW WOOD / BLACK TUSK TREE SERVICES	
Phone: 604 848-9874	Email: INFO@BLACKTUSKTREESERVICES.COM

<b>Office Use Only</b>	Tree Application Number: #94
Received by: Susan Boutlet	Date: April 26/19
Amount Paid: \$75-	Cash or Cheque: Cash 844416 receipt.
Application Complete? (Y/N) April 26 Appl with Peter. YES	If no, reason:
Date referred to Public Works: May 3/19.	Date returned by Public Works: May 3/19 (See attached comments)
Date Application to Tree Ctte:	Meeting Date:
Agenda forwarded to Tree Ctte:	Minutes received from Tree Ctte:
Council Agenda Date:	Council Decision:
Parties Notified:	
Date of Letter Notifying Applicant of Decision:  (March 1-July 31: Arborist Certification Required)	Received Damage Deposit: Name of Arborist/Contractor:  Proof of WorkSafe Certificate: Proof of Insurance (\$5 mil/VoLB Add'l Insured):
Permit Issued:	Post-work check by Public Works:
Damage Deposit Returned:	If not, reason:

May 31/19  
 Peter Skye  
 Hold.  
 change with  
 silverback  
 trees



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Species/Description of Tree(s):

3 MATURE DOUGLAS FIR TREES

Location of Tree(s): SEE ATTACHED SURVEY.

CLEAN FRONT ESPLANADE - JUST OUTSIDE  
SW PROPERTY BOUNDARY - 52 BRUNSWICK  
BEACH RD.

\*Trees must be clearly marked with marking tape in time for the Trees, Views and Landscapes Committee's site visit.

Reason for Removal:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Too close to property (foundation, garage, fence, etc.) DECK/STAIRS TO BEACH</li> <li><input checked="" type="checkbox"/> Dead, dying or diseased</li> <li><input type="checkbox"/> Unattractive</li> <li><input type="checkbox"/> Blocking sunlight</li> <li><input type="checkbox"/> Attracting wildlife</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Interfering with infrastructure (roads, sidewalks, etc.)</li> <li><input type="checkbox"/> Leaves causing problems</li> <li><input type="checkbox"/> Blocking site access</li> <li><input type="checkbox"/> Affecting house value</li> <li><input checked="" type="checkbox"/> Hazardous</li> <li><input type="checkbox"/> Interfering with view</li> </ul> |
|--|---|

Please provide additional comments which may be useful:

PLEASE SEE ATTACHED LETTER  
FROM ARBORIST & PROPERTY  
OWNERS

Replanting Plan, if any (please include anticipated timeframe for completion):

N/A.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable. ✓

I have verified the information contained within this application is correct. No cutting of Significant Trees, as defined by Schedule "C" to Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, is contemplated by this application or, if it is, this fact is clearly and explicitly set out in the application along with supporting rationale.

I acknowledge that responsibility for bylaw compliance rests with me as the applicant. I will indemnify and save harmless the Village of Lions Bay, its officials, employees and agents against claims, liabilities and expenses of every kind, in respect of anything done or not done pursuant to this application or ensuing permit, if issued, including negligence and/or failure to observe all bylaws, conditions, acts or regulations.

I understand that, should this application be approved, all work performed must comply with any and all conditions of approval incorporated in the Council resolution, and that failure to comply with such conditions may result in fines, penalties and/or legal action.

[Redacted Name]

NILLORE LUND

APRIL 18/19

Name of Applicant (Please Print)

Signature

Date Signed

Tree Cutting Permit Application – Village of Lions Bay Trees

April 17, 2019

52 Brunswick Beach Road

Attention: Trees Views and Landscapes Committee

Thank you for your serious consideration with regards to our application for tree removal. Our reason for requesting the immediate removal of the three mature large Douglas Fir trees located along the Esplanade ocean front bank is **safety!**

Our primary purpose and rationale for requesting removal is to prevent the potential threat of serious damage to property, personal injury, or fatality from falling limbs or fallen trees.

The attached Certified Professional Arborist report supports our concerns regarding the hazard potential of these 3 trees. His risk assessment findings raise imminent safety concerns:

- questionable health of the trees,
- significant amount of ivy on two trees
- close proximity to beach access staircase could have impacted the structural roots of the trees
- increased wind exposure to damaging SW winds
- the integrity of the slope they are growing on is questionable
- previous heavy pruning increases risk of failure

The location of these trees puts them at additional risk of potentially causing damage as they are directly threatened by rising sea levels and severe weather. Climate Change is happening. Sea levels along the coast are projected to rise significantly over the next century. King tides and weather events are a serious concern for oceanfront areas. Please see websites below to support this claim. These trees root systems are situated on an oceanfront

sloping bank, which is at risk of further erosion due to high tides and storm surges. The attached website indicates what the City of West Vancouver is doing to fortify their foreshore and eliminate possible risks. The Village of Lions Bay needs to do the same and proactively address these trees as being a potential risk to nearby properties and people. Changing weather patterns and intensifying winter storms are the new normal. Storm force winds wreaked havoc along the Coast this past Winter. The damage to Horseshoe Bay Marina was extensive. Just this past February, Howe Sound was pounded by 15ft high tides, along with unprecedented 100 Km winds for over a 10 hour period. Lions Bay Marina was hammered and boats destroyed. Trees fell along the Sea to Sky Highway close to Lions Bay. The wind blew down trees on to the homes of Lions Bay Residents, Jennie and Ryan Ciopola, Amy McKay and Don Thomas, and the damage was major, costly, and extremely stressful for them.

<https://westvancouver.ca/news/ambleside-waterfront-facilities-risk-storm-surges-winter>

<https://www.nsnews.com/news/west-vancouver-bracing-for-sea-level-rise-1.2129067>

In the 17 years that we have lived in Eagle Harbour, we have never seen the type of storm surge that occurred this past winter which completely destroyed the 10 foot high concrete retaining wall along the beach. It is still lying in rubble, yet to be repaired. Need we mention what happened to White Rock's Pier! The point being, is that extreme weather seems to be a new phenomenon, and so we are very concerned with how intensifying wind and tidal storms will impact these trees and the stability of the bank.

The Fir bordering our property line has a one inch steel cable imbedded around the trunk and another heavy cable screwed in to it, as well as a wooden step hammered in to it. When canvassing our affected neighbour, AnneMarrie Gates, she shared that her husband had used the tree in the past for winching. The middle tree is covered in ivy and most likely diseased. The tree closest to the beach is covered in ivy and is at the greatest risk for exposure to rising salt water and erosion. While maintaining these trees is an option, it is costly and does not make any guarantees for greatly reducing their hazard potential. Removing the trees is the most cost effective and pro-

active way to avoid risk. The bigger they are, the harder they fall, and these three trees are massive!

Your urgent attention to expedite our request for permit for removal is greatly appreciated. Thank you for your time and necessary consideration for our safety.

Sincerely,

The Lund Family

**BC LAND SURVEYOR'S SITE PLAN**  
 OF THAT PART OF DISTRICT LOT 1815 GROUP 1  
 NWD SHOWN ON PLAN EPP69335

52 Brunswick Beach Road  
 The Municipality of the Village of Lions Bay, BC  
 (PID 030-190-011)



The intended plot size is 22' in width by 17' in height (C/Spe) when plotted at a scale of 1"=10'.  
 All distances are horizontal ground-level distances in feet and decimals thereof, unless otherwise noted.  
 Elevation on DND Datum and refer to GDA 340921 via GNSS Observations. Elevation Used = 923.745m

Lot/Parcel	Tree	g (m)
1	Tree	0.1
2	Tree	0.1
3	Tree	0.1
4	Tree	0.1
5	Tree	0.1
6	Tree	0.1
7	Tree	0.1
8	Tree	0.1
9	Tree	0.1

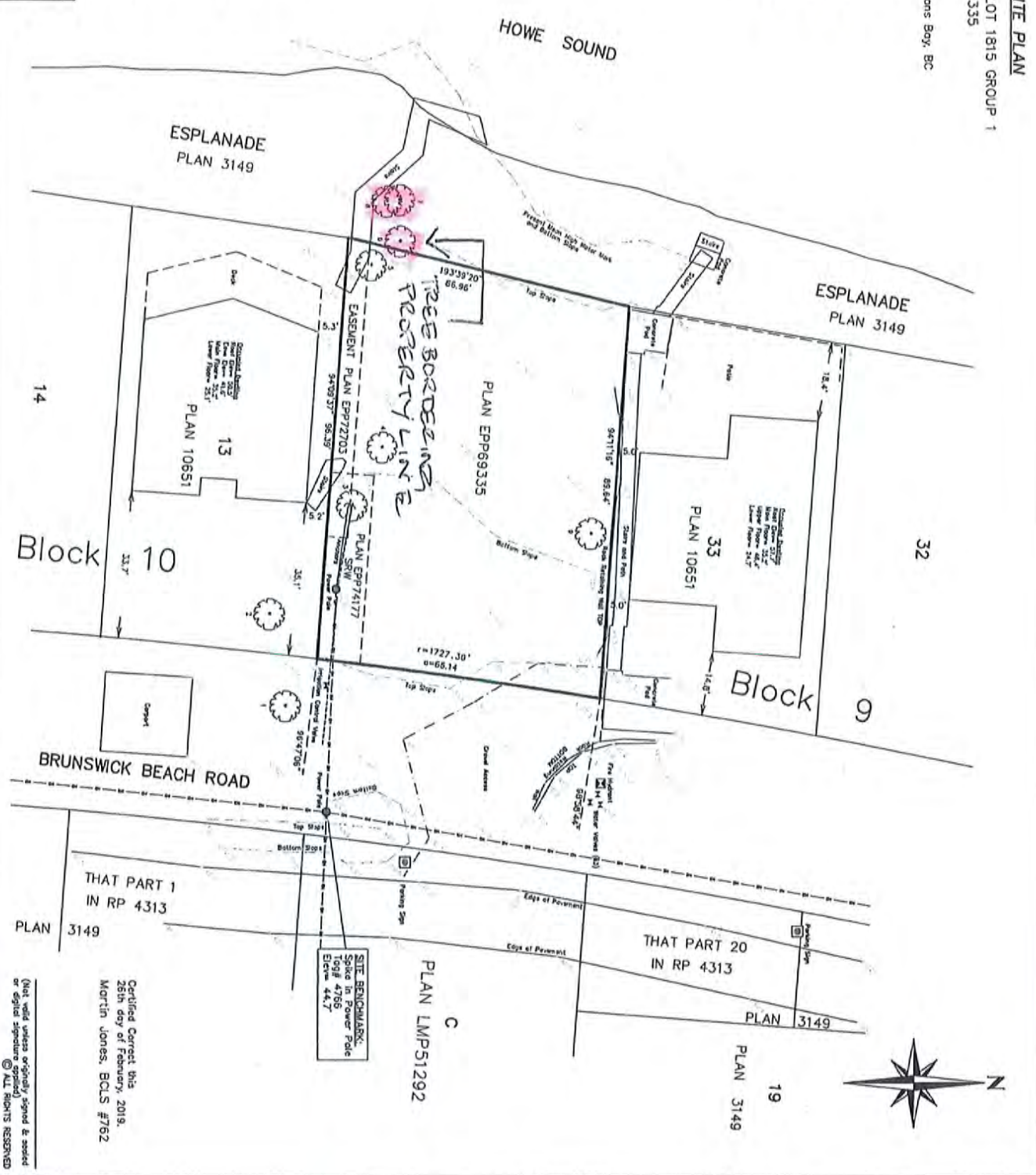
Zone: R-1 B.B.O.  
 Lot Area = 6128 square feet (569.2m<sup>2</sup>)  
 \* sAs Denotes Existing Ground Elevation

Property line dimensions are derived from Plan EPP69335

This document was prepared for mortgage and municipal/regional district purposes and is for the exclusive use of our client. The client accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This document shows the relative location of the proposed structures and features with reference to the boundaries of the lots as described above. This document shall not be used to define property lines or property corners.

The subject property is affected by the following non-financial charges and interests on the property: C.A.1727323 EASEMENT, C.A.1727323 EASEMENT, C.A.1727323 EASEMENT.



**BUNBURY & ASSOCIATES**  
 BC LAND SURVEYORS  
 2914 Main Street, Suite 100  
 Victoria, BC V8T 1A1  
 File No. 2019-114-FT1A.dwg  
 FB 2189 Pg. 54-53

Block 10  
 Block 9  
 Block 14  
 Block 32

ESPLANADE PLAN 3149  
 BRUNSWICK BEACH ROAD  
 THAT PART 1 IN RP 4313  
 PLAN 3149  
 THAT PART 20 IN RP 4313  
 PLAN 3149

PLAN EPP69335  
 PLAN 10651  
 PLAN 74177  
 PLAN 72703  
 PLAN 10651  
 PLAN 19  
 PLAN 3149  
 PLAN LMP51292

Tree Bordering Property Line  
 r=1727.30' α=66.14  
 193°59'20" 66.96'  
 54°09'37" 58.35'  
 50°47'08" 60.47'  
 54°11'15" 65.64'  
 54°09'37" 58.35'

Site Benchmark: Spike in Corner Pole  
 Station 1956  
 Elevation 44.7

Certified Correct this  
 26th day of February, 2019.  
 Martin Jones, BCLS #762

(This field unless originally signed & sealed or digital signature applied)  
 © ALL RIGHTS RESERVED





PO BOX 1258  
Garibaldi Highlands, BC  
V0N 1T0  
(604) 848-9874

April 15, 2019

Carl Lund

ATTENTION: Lions Bay Trees, Views and Landscapes Committee

RE: Tree removal at 52 Brunswick Beach Rd.

#### INTRODUCTION

This letter is to summarize field observations of the hazard potential and health of 3 trees located at 52 Brunswick Beach Rd. in Lions Bay. The property is a vacant lot that has been cleared of trees and vegetation with the exception of a pair of mature cedar trees. The trees in question are 3 mature douglas-firs growing on municipal land just outside the SW property boundary at 52 Brunswick Beach Rd. This letter is to support an application to the TVLC on behalf of the property owners for the removal of trees. They are planning a new home construction and are concerned about construction conflicts as well as the risk the trees present.

The douglas-fir trees stand in a row that runs east to west at the top edge of a slope (photo 1). There is a path along the south property boundary that leads to a staircase down to the beach. The staircase threads tightly between 2 of the trees (photo 2) and there is considerable english ivy climbing up the lower stems of two of the trees. The staircase appears to be built on several concrete footings that may have encroached on structural roots during construction. The heavy ivy and salal undergrowth on the slope is problematic for assessment of this root zone. The trees are fully exposed to prevailing SW winds and the property owners are concerned about the integrity of the slope due to close proximity to the water.

The diameter of the trees at breast height measured 127cm, 117cm and 122cm respectively, from east to west. Their corresponding heights are 36m, 22m, and 33m. The middle tree has suffered a major stem failure in the past and is showing signs of new growth at the point of failure. This growth will need to be managed in the future as it will become dangerous if allowed to grow to a significant size. The initial appearance of the stems suggests previous topping, but closer inspection has shown that not to be the case. The other two trees have been pruned significantly in the past. Many large limbs have been removed from the north side of the trees, presumably for view enhancement of the neighboring residences. It is possible that changing the wind dynamics of the trees in this way contributed to the stem failure of the middle tree. The remaining trees now face increased wind exposure which, coupled with the pruning-related canopy imbalance, increases their risk of failure.

The heavy pruning that the trees have suffered has also caused them to produce large, monstrous limbs that pose a risk of failure when combined with high winds and heavy winter snow (photo 3).

## CONCLUSIONS

The douglas-fir trees in question are large and mature and pose considerable risk due to their size and weather exposure. No conclusive signs of imminent root or component failure were noticed, but there is associated potential for significant property damage. As such, the trees are reasonable candidates for removal to mitigate the risk. Modification is another option that could lower the risk of component failure. Reduction of large lower limbs overhanging the property would reduce the likelihood of failure. This approach will require ongoing maintenance, modification and monitoring to keep new growth under control. Similar maintenance will be required of the middle tree to curb the growth of dangerous new tops if the tree is retained. Removal or modification of the trees would be most logical and cost-effective if it occurred prior to any construction on the site.

If the trees are to be retained, root protection zones will need to be established around the trees to minimize construction impacts. These protection zones are effective tools for preserving tree health, but they can add significant complication to site development. Therefore this strategy is reserved for specimen or heritage trees that represent some heightened cultural or biological value.

## APPENDIX

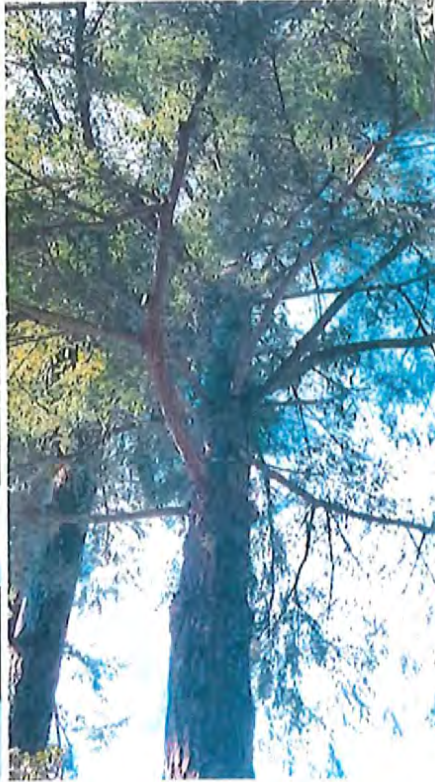
Photo 1.



Photo 2.



Photo 3.



## LIMITATIONS

This tree assessment has been produced with current and accepted techniques in the field of arboriculture. These include an above ground visual inspection of each tree from roots to crown, as well as an interpretation of the trees in the context of the stand. Regardless of any recommendation in this report it must be understood that trees are dynamic living things that exist in changing environments. They are not immune to natural fluctuations and their condition will certainly change over time, therefore the findings of this report are only relevant on the day of its submission. Acts of nature are always a risk factor that can never be predicted. Trees have inherent natural defenses against forces within usual thresholds, but when forces exceed these thresholds even the healthiest and soundest specimens can fail. Reasonable attempts have been made to ensure that trees recommended for retention are structurally sound and in good health. Trees that are retained should be periodically re-evaluated by an arborist. This report provides no guarantees, overt or implied that any tree, or any parts thereof are safe and will not fail. Any standing tree with a target is potentially hazardous to that target and the only way to eliminate risk entirely is to remove the tree.

Sincerely,



I, Matthew Wood, am a professional Arborist in good standing, certified by the International Society of Arboriculture (ISA) (PN 6087A). I have diplomas in Arboriculture and Ecosystem Management from Sir Sandford Fleming College and have been practicing in the field of arboriculture since 1999. The opinions expressed in this report are solely those of the consultant and the consultant's fees are in no way determined by a particular finding or recommendation.

## Peter DeJong

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**From:** Carl Lund [REDACTED]  
**Sent:** Friday, May 17, 2019 8:54 AM  
**To:** Public Works  
**Cc:** Peter DeJong; 'Carl Lund'  
**Subject:** 52 Brunswick Beach  
**Attachments:** 52\_Brunswick\_Beach\_.pdf; IMG\_6500.jpg; IMG\_6501\_LI.jpg; IMG\_6503\_LI.jpg; IMG\_6505.jpg; IMG\_6508.jpg; IMG\_6509.jpg; IMG\_6510.jpg; IMG\_6511.jpg; IMG\_6514\_LI.jpg; IMG\_6516.jpg; Tree Cutting Permit Application Village of Lions Bay (002).pdf

Hi Jaffer / Garth, thanks for taking my call on Thursday.

We sent a tree cutting application in to The Village of Lions Bay on April 18. **Something that we would like to include in this application is the cedars that grow out of the side of the bank at the shore side.** It is apparent that the bank is very unstable and we would like to see that it is stabilized prior to us building on the property.

There are some large rocks on the property that we would like to roll over the edge to help to minimize erosion. I think a truck load of the same would be a good idea.

There are 4 photos of the water side bank- 2 of the photos are of the neighboring properties that have had large rocks placed previously. There are 2 photos of our property that show the cedars growing out of the unstable bank that we feel should be removed and replaced with something solid that could minimize the erosion.

The photos of the trees that we would like to have removed on the esplanade show a significant amount of steel cable imbedded in the trunk of one tree- you can see how the trunk has grown around the cable.

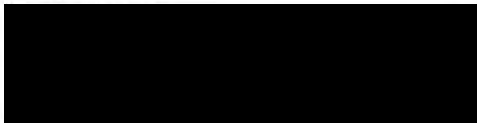
One of the other trees has evidence of disease and the third tree has its legs in the salt.

Please see arborists report for clarification.

WE would like to attend to these issues as soon as possible so that we can carry on with our construction plan.

Thank you for your timely response to this matter.

**Carl Lund**

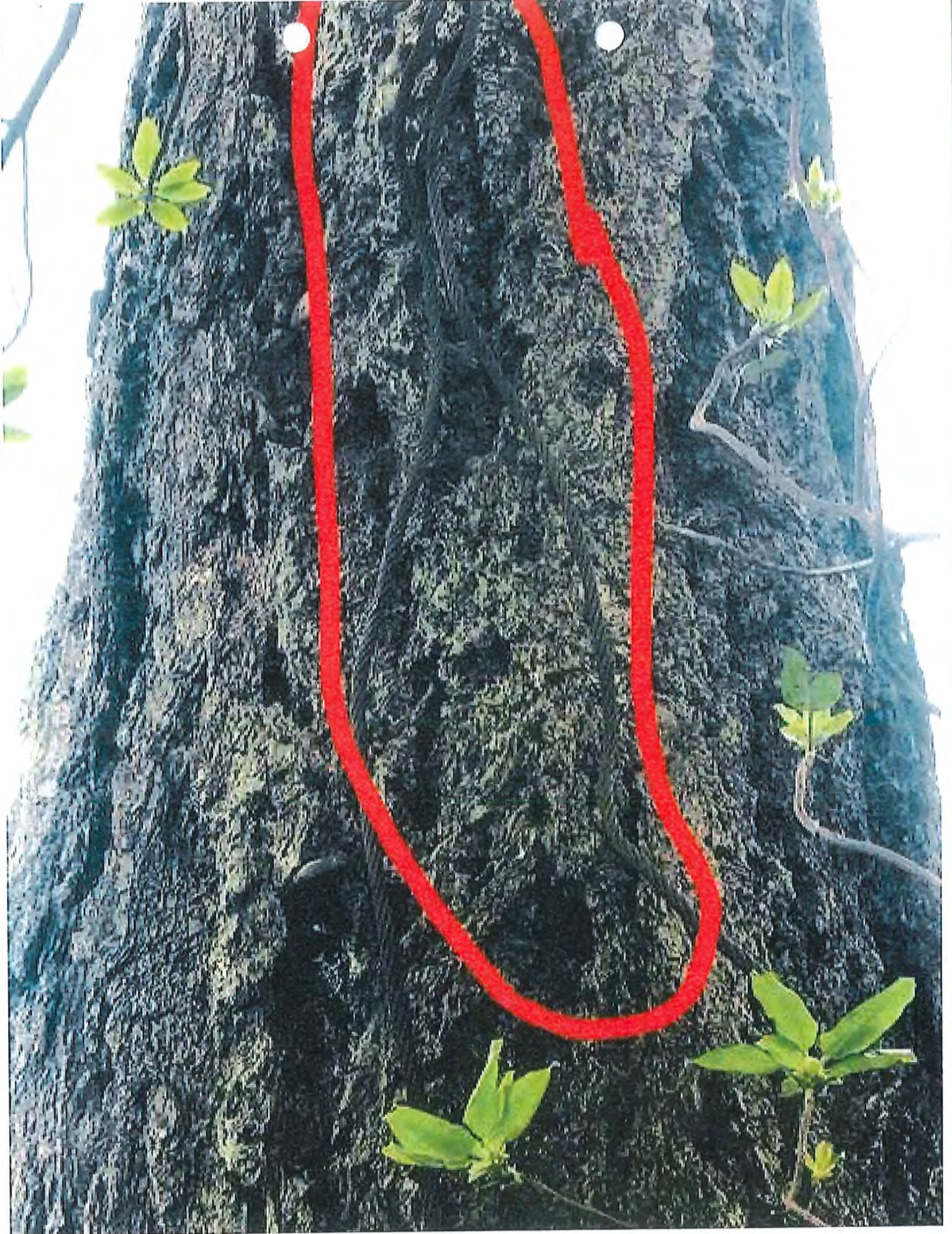


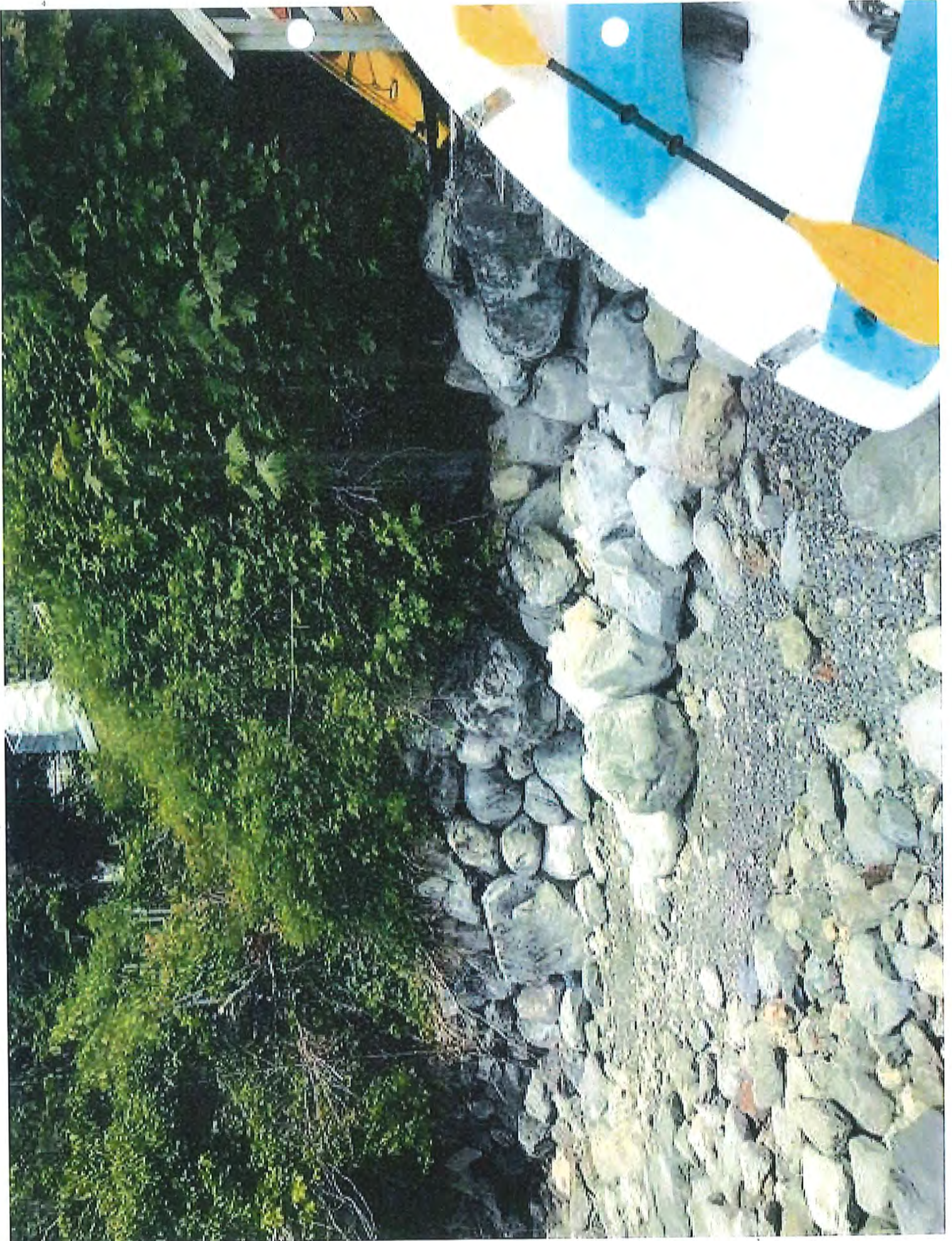


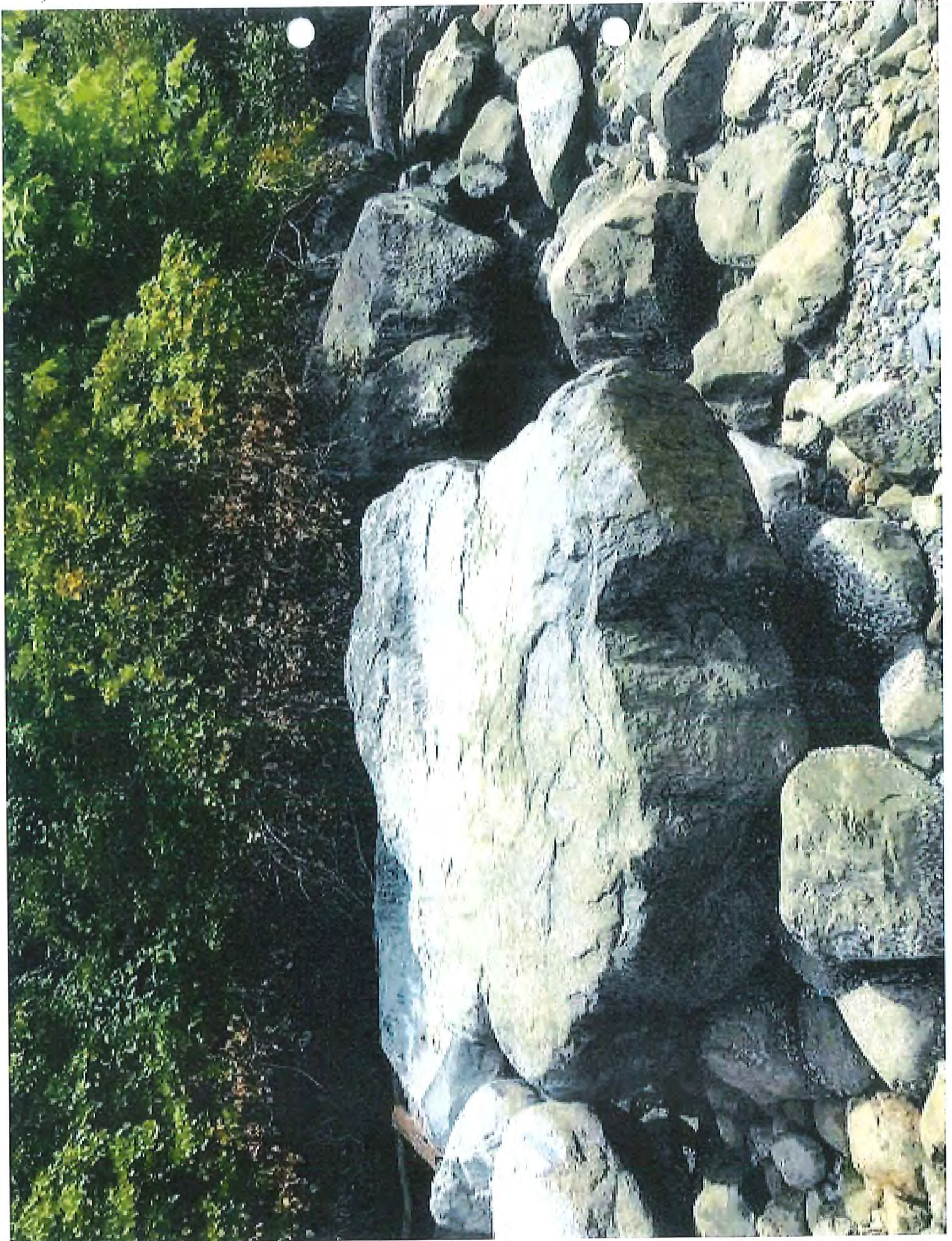












**From:** Silverback Treeworks Ltd [mailto:sbtreeworks@gmail.com]  
**Sent:** Tuesday, May 14, 2019 9:11 AM  
**To:** Peter DeJong <cao@lionsbay.ca>  
**Cc:** Silverback Treeworks Ltd. <info@silverbacktreeworks.com>  
**Subject:** Re: 3 large firs on bank at 52 Brunswick Beach Rd.

Good morning Peter,

This morning I stopped by 52 Brunswick Beach Rd. to observe the 3 Douglas fir trees located near the SW corner of the lot.

All three trees are mature Douglas fir with diameters (Dbh) >75cm. The trees are in good condition with clear signs of new foliage growth and vitality.

The trees are well rooted.

The stems of the trees have good taper and appropriate root flair. One tree has metal debris attached to it where the tree has grown over the debris. There are no signs of stress or decay associated with this debris.

Ivy grows around the stem of the 2 trees closest to the ocean.

The canopy of the trees has adapted over time to ocean front wind patterns and I do not see signs of a pattern of significant branch failures.

2 of the three fir trees have apical dominance while the middle tree appears to have lost it top some time ago.

I have assessed these trees to be low to moderate risk. This seems appropriate. No action is required to mitigate risk.

These three trees are high value and suitable for long term retention.

Due to the size of the trees and branches and there close proximity to the adjacent residential property these trees should be monitored annually for any changes in condition.

The ivy should be removed and prevented from regrowing into the canopy.

Hopefully this information is useful. If there are any further questions please let me know.

Best regards  
Andrew Hooper  
604 848 5103 mobile



Public Works Tree Cutting Referral Comments

Tree Cutting Application Number:	# 94
Name of Applicant:	LUND
Address of Applicant:	# 52 BRUNSWICK BEACH RD.
Location of Tree(s):	OCEAN SIDE OF # 52 BRUNSWICK BEACH RD.
Clearly on Municipal Land: (Y/N) (If no, survey required at applicant's cost)	YES
Location In Relation to Municipal Infrastructure (Present & Future):	N/A
Location In Relation to Others' Infrastructure (Telus / Hydro Lines, etc.):	N/A
Slope Stability Considerations:	IF THE TREES ARE REMOVED IN TIME AS THE ROOTS DECAY IT WILL CREATE VOIDS ON THE EARTH. THIS MAY LEAD TO MOVEMENT OF THE SLOPE, COMBINED WITH HIGH TIDES AND WIND STORMS EG. (6 FOOT WAVES) THERE COULD BE SLOPE FAILURE.
Replanting Required (Y/N and recommendations, if any):	NO
Other Considerations / Comments:	I BELIEVE WITH SOME MINOR CROPPING OF BRANCHES TO REDUCE SIZE AND WEIGHT AND A MINOR SPIRAL PRUNE ON EACH TREE THEY WILL STAND FOR DECADES WITHOUT ISSUES. THIS PAST FALL AND WINTER THEY WERE EXPOSED TO THREE WIND STORM EVENTS, EACH WITH DIFFERENT WIND DIRECTIONS, THIS CAUSED NO FAILURES.
Attachments (Y/N and Description):	THE IVY, AND IRON SHOULD BE REMOVED.

GB

## CAO COMMENTS

- Advised prospective purchasers before they purchased the property that the subject trees were “Significant Trees” under our bylaw and likely important to the stability of the oceanfront bank so any application to cut them down would likely be frowned upon, although there may be an opportunity to strategically cut a couple of limbs.
- In fact, these trees are all defined under our Bylaw 393 as “Ancient Growth Trees” over 90 cm in diameter: “Trees greater than 90 centimeters in diameter are considered ancient growth and should be protected under any circumstances unless they become a hazard to life, homes or services.”
- Neighbours have noted that the trees are used by eagles and ospreys to hunt and fish. They may also use for nesting.
- Black Tusk arborist unaware that most damaging winds in Lions Bay tend to be from the southeast, rather than the southwest, which would likely mean a windfall for any of these trees would land on the beach.
  - He also seems to conclude the risk is considerable only because of the size of the trees and the consequences of failure from the southwest, rather than due to any substantive finding that the trees are stressed or diseased, of which he specifically finds no evidence.
- The applicant, in spite of himself, makes the case for retaining the trees to protect the bank from erosion as the sea levels rise (note: lowest tree is still well-above current high water mark)
- Silverback arborist found no signs of stress or disease, notwithstanding metal plate and cable embedded in trunk many years ago.
  - Assessed trees as low to moderate risk with no mitigation required
  - Both he and Public Works horticulturalist recommend cutting off ivy
- Public Works also commented on bank stability issue and, although he did not indicate in his notes, had some recommendations for the remains of the cedar with leaders growing from under the middle of the bank, which I have or will share with the applicant.

- Applicant has now asked to amend his application to also cut the previously topped cedar growing out of the underside of the embankment. PW horticulturalist recommended cutting some of the branches but not so many as to kill the tree, which is important to the stability of the bank.
- The applicant has also requested dumping boulders at the base of the embankment, which will likely require Department of Fisheries approval, but which is outside of this tree cutting application in any event.
- As Black Tusk arborist noted, root protection zones should be established for these trees before new home construction begins on the lot.





THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Form letter for canvassing Affected Property Owners (print as many copies as may be necessary)

Date: APRIL 18/19

Affected Property Owner's Name: SCOTT MACDONALD / ~~ERIC RICHMOND~~ ✓

Address: 53 BRUNSWICK BEACH RD

Email Address: MD@TOTALPLAN-INC.COM / ERICRICHMOND@ME.COM

Phone Number(s): 604 614-1235  
604.

Dear SCOTT:

Re: **Tree Cutting Application**

I intend to make an application for a permit to remove trees on municipal property and, as part of the application process, I am required to notify Affected Property Owners. The specifics of the application are as follows:

Location:	OCEANFRONT ESPLANADE
Type(s) of Tree(s):	3 MATURE DOUGLAS FIR
Description of Work:	REMOVAL
Replanting Plan:	N/A



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Rationale for Application:	<p><b>SAFETY!</b></p> <p>PLEASE READ ATTACHED ARBORIST REPORT &amp; LETTER FROM PROPERTY OWNERS.</p>
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As you may be an Affected Property Owner, please accept this letter as notification of my application. I would appreciate if you would provide me with your written response as soon as possible, noting your support or any concerns regarding this work, so that I may forward your comments with my application package.

I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable.

Thank you,

NICOLE CARL LUND

Applicant Name

Email

Phone

THANK YOU!!

<b>Affected Property Owner:</b>	
With respect to the above Tree Cutting Application, I	<u>Scott MacDonald</u> am
(Name)	
Supportive <input checked="" type="checkbox"/>	Opposed <input type="checkbox"/>
Comments (if any):	
<p>Please consider the bank stability if the roots are affected. The excavation for the house will weaken the trees making them a hazard.</p>	
Name: [Redacted]	Date: <u>Apr 23/19.</u>



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Form letter for canvassing Affected Property Owners (print as many copies as may be necessary)

Date: APRIL 18/19

Affected Property Owner's Name: ANNE MARIE GATES

Address: 51 BRUNSWICK BEACH RD.

Email Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Dear ANNE MARIE:

Re: **Tree Cutting Application**

I intend to make an application for a permit to remove trees on municipal property and, as part of the application process, I am required to notify Affected Property Owners. The specifics of the application are as follows:

Location:	OCEANFRONT ESPLANADE
Type(s) of Tree(s):	3 MATURE DOUGLAS FIR
Description of Work:	REMOVAL
Replanting Plan:	N/A



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Rationale for Application:	PLEASE SEE ATTACHED ARBORIST REPORT AND PROPERTY OWNER LETTER RE: SAFETY!
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As you may be an Affected Property Owner, please accept this letter as notification of my application. I would appreciate if you would provide me with your written response as soon as possible, noting your support or any concerns regarding this work, so that I may forward your comments with my application package.

I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable.

Thank you,

NICOLE & CARL WIND [Redacted]  
 Applicant Name Email Phone  
 THANK YOU!!)

**Affected Property Owner:**

With respect to the above Tree Cutting Application, I ANNMARIE GATES, am  
 (Name)

Supportive  Opposed  - unless trees (all 3) are truly dangerous!

Comments (if any):  
 Included is a letter citing my concern that over a 50 year span of living with these trees - it seems a rush to cut down trees that appear healthy!!!  
 My concern is bank stability if all the trees go!

Name: [Redacted] Date: April 25-2019

April 24<sup>th</sup>, 2019

Attention: Trees Views and Landscape Committee

Village of Lions Bay, B. C.

Re: Tree Removal at 52 Brunswick Road.

Thank you for giving me the opportunity to address the concerns of the residents of #52 Brunswick Road and their application to remove three Douglas Firs that are situated on the Village Esplanade in front of their property.

I have been a resident at # 51 for the past 49 years, in a part time capacity since 1970 and as a full time resident since 1991.

You can imagine my shock on receiving this letter, accompanied by an arborists report, stating that the trees I have lived with for 50 years have indeed become such a great risk that they should be removed immediately.

There is no doubt that we must be aware of and remove trees that are indeed diseased and if the middle fir is a danger then so be it but in the report from Black Tusk under Conclusions - it states "no conclusive signs of imminent root or component failure were noticed but there is associated potential for significant property damage. As such, the trees are reasonable candidates for removal to mitigate the risk."

I have always been under the impression that these trees contribute to the stability of the bank. The stairway, I must mention, has been in place for 49 years as well, and I consider it stable too.

My main concern - with this report is definitely the stabilization of the bank areas if these trees are removed. I am not in the position to start rebuilding the bank with a huge foundation – even if that was allowed – and I would definitely feel less safe regarding our winters high tides due to erosion and lack of stability.

The report also mentions that "modification" is another option that could lower the risk of component failure. As to the English ivy and undergrowth, I would rather see an attempt to clean up and maintain this area rather than cutting down trees. I must say I feel somewhat responsible for neglecting this duty because I have always considered the trees were solid.

Two years ago, when Lot 52 was being prepared for sale, I talked with Burley Bros and Peter DeJong as to the health of the Firs, and no one seemed concerned, a few branches were removed and all seemed well. Over the winter storms following those conversations I have had no large limb loss from the Firs.

In talking with neighbors and in my own experience of weathering past storms, the winds apparently prevail in an S/E direction and therefore it is logical these trees would fall towards the water.

Another aspect I feel should be considered when removing trees is that of our habitat. These trees have been utilized by our eagles and osprey for many years now, and in Bylaw 520 – 2017 – “conservation includes the habitat of birds, fish and other wildlife.”

Lastly, while the removal of these three trees would be to my advantage and aid me in retrieving some of my lost view toward the north, I would prefer to work with the Village and my new neighbours towards the “modification” and maintenance of these trees rather than cut them all down. Again, if the middle fir is that diseased it must come down.

Thank you for your patience, I am including a note from Mike Wilson #49 Brunswick, he is a statistic taker and very aware of Brunswick’s winds, tides, outflows and inflows, prevailing damaging winds etc.

I admit I am not an arborist and I understand my neighbours concerns, as they do mine.

Thank you for considering my letter.

Annmarie Gates  
# 51 Brunswick Rd.  
Lions Bay. B.C.

Tree Committee Lions Bay B.C.

Note from Mike Wilson  
#49 Brunswick Rd.  
Lions Bay

As I understand the arborists report, they are saying that one of the hazards posed by the 3 Fir trees is that the prevailing winds are from the SW and therefore the trees might be blown onto the new house to be built at # 52. Having lived at Brunswick Beach for a very long time, I am very certain that the arborist is incorrect about this wind hazard because there are local factors to consider.

The key point is that the direction of the prevailing wind has little to do with the direction of the wind during a damaging storm. In the case of our location on Howe Sound, all damaging causing trees to fall come from the SSE. The most recent storms causing tree damage were 12-Nov-2007 and 16-Dec-2007 when two trees fell from #47 onto #49. In both cases, the wind direction was SSE and the trees were located on the east (road) side of #47. Similarly, the middle fir the Arborist identified as being "topped" was actually damaged in a storm that broke off the section, which fell onto the beach. Again, the wind direction during that storm was SSE.

Please contact the owner at #49 (who is also a long time resident) if you would like more detail on these events. He has agreed to answer any questions you might have.

As for the three firs identified in the Arborists report, a damaging storm with a wind direction of SSE will cause them to fall on the beach – not onto the new house to be built at #52. Therefore the arborist is incorrect in saying the fir trees are a hazard due to the prevailing wind direction. Those trees are actually very safe from causing any damage if they were to fall during a storm because the most likely wind direction would be from the SSE.

Regarding the integrity of the slope

Please do not hesitate referring to Mike Wilson, he is a statistic taker and very aware of Brunswick Beach's winds, tides, outflows and inflows, prevailing and damaging winds, etc.

Yours truly  
Annamarie Gates

RECEIVED  
MAY 02 2019

April 25, 2019

To Whom It May Concern:

Re: Lot at Brunswick Beach Road

It has come to our attention that an application has been made to the Village of Lions Bay to cut down the tall fir and cedar trees abutting the waterfront. I am an owner of 55 Brunswick Beach Road. While I understand it will be necessary to remove some trees in order to build on the lot, I have seen the trees by the water used by our local resident eagle and osprey. The eagle appears to use this oceanside perch to fish for food. We also see eagles in the dead trees near the highway. I hope you will consider this matter when you are

604 926 1802  
May 3/19 1 spoke to Stephanie  
OPPOSED. ✓ GWA

making your decision regarding  
the removal of trees.

Yours truly  
Stephanie Lawton - Neima

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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Tree Application #94 – 52 Brunswick Beach Road		
Author	Peter DeJong	Reviewed By:	
Date	June 3, 2019	Version	
Issued for	June 4, 2019		

**Recommendation:**

(1) THAT Council reject the application to cut any of the subject three fir trees but allow some pruning of the cedar below the middle of the bank, per the recommendations of the staff horticulturalist, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit.

**Attachments:**

(1) See Agenda Materials at Item 8Di and Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended.

**Key Information:**

As noted in the draft minutes of the Tree Committee meeting of May 31, 2019, the Committee posed the following questions for Council regarding this contentious application:

1. *Does Fisheries and Oceans have jurisdiction?*

Staff: Perhaps with respect to the applicants’ desire to dump boulders at the foot of the embankment, but not with respect to trees on Municipal Highway (i.e. the Esplanade)

2. *If trees remain, long term cost for “routine maintenance” falls on village based on bylaw 3.4.4.*

Staff: Any maintenance of trees on Municipal property throughout the Village is governed by Appendix E of the bylaw: **Subject to current budget and labour allocations**, trees will be pruned, **if it is found to be necessary**, by the Department of



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Public Works, in conformity with standard arborist practice. Pruning may occur **for purposes of public safety**, road access, sign visibility or other concerns as defined by the manager of Public Works. Residents are asked to inform the Village if a tree dies or appears to be in poor health so that corrective action can be taken.

3. *What is Village Liability if application is declined and trees remain and fall or injure?*

Staff: None. The trees have not been found to be stressed or diseased by either of the arborists who examined them. There is nothing in either report (other than removal of ivy and a 50 year old cable) to suggest they are a risk to the applicants' planned home other than comments from one arborist as to their size. If size were the only determinant, then most trees on Municipal property ought to be cut down, which is clearly not Council policy.

4. *If trees remain and house built, foundation will encroach drip line and impact root system making them a safety hazard long term.*

Staff: As noted by the applicants' arborist, root protection zones should be established for these trees before new home construction begins on the lot. If the applicants do not take appropriate measures in this regard, they may increase their own hazard.

5. *Build will change drainage may dry out root system creating safety risk.*

Staff: Building drainage can be designed to feed the root systems of these trees.

6. *Consider 3rd certified Arborist consult to climb trees to asses further.*

Staff: Do not think this is necessary. Bylaw sets out values to be assigned to Ancient Growth trees and applicant has not shown the trees to be stressed or diseased.

7. *Cost to remove trees after house built would be much more difficult and expensive.*

Staff: This is likely true but it doesn't mean that the trees should be removed after the fact.

8. *Owners may not build if trees remain. Tax implications?*



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Staff: That would be entirely up to the owners/applicants. They were forewarned that any application to cut these trees down would not likely be well received. If removal of these trees is a deal breaker, they ought to have made approval a subject of their purchase. They did not. If they wish to sell as a result, that's up to them. The value of the land will be taxed in the interim as will any improvements by the applicants or a subsequent purchaser.

Further submissions by the applicants, noted by the Tree Committee, do not constitute "Additional Public Feedback". They are submissions by the applicants to further their objective in getting a tree cutting permit and are addressed as follows:

- a. safety risk – this has not been established. In fact, removal of the trees will cause voids in the bank from the decaying roots and, over time, will result in greater erosion and destabilization of the bank per the comments of the staff horticulturalist.
- b. need light to power solar – placement of solar panels can be designed to take advantage of the clear and unobstructed eastern and southern exposures, especially when the applicants remove the cedar on their property adjacent to 51 Brunswick.
- c. long term risk if trees remain – this has not been established and, in fact, the applicant's reference to climate change articles only serves to strengthen the need to retain the trees and their root systems to continue to stabilize the bank. If they wish to contract with a barge operator for the placement of boulders at the foot of the bank, that's up to them and would not involve the Municipality.
- d. removal of trees was only subject at time of purchase – not true, there were no such subjects in their offer at all.
- e. changing winds and tides – as noted by the staff horticulturalist, we saw high winds from three different directions this past winter and the trees did fine. Most damaging winds come from the southeast and would result in trees falling on the beach (as happened to the top of the middle tree).
- f. lack of Village maintenance contributed to current instability – as previously noted, the Municipality's maintenance of trees is subject to budget availability and it has no



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obligation to tend to pruning of trees unless there is a clear danger to health and safety, which there has not been with these trees.

- g. agreed to bear cost of replacing staircase and stabilizing bank – there is no information pertaining to how they would stabilize the bank, other than by placing boulders at the foot of it, which is up to them regardless. The root systems of the trees is the best stabilizer of the embankment.

There is no mention in the minutes of pruning to be done to the previously topped cedar growing out of the middle of the underside of the embankment. Staff assessed this tree, or what remains of it, and recommended further pruning to remove leaders but not too much such that it would kill the tree.

### **Options:**

(1) Reject the application to cut any of the 3 fir trees but allow some pruning of the cedar below the middle of the bank, per the recommendations of the staff horticulturalist, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit;

(2) Allow the middle fir tree to be cut down, along with the under bank cedar, but not the other two fir trees, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit;

(3) Allow two, or alternatively all three, of the fir trees to be cut down, along with the under bank cedar, with all debris to be removed, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit if any of the trees are to remain standing;

(4) Request that the applicant pay for a 3<sup>rd</sup> assessment of the subject fir trees by an arborist satisfactory to staff, with a view to establishing the health of and a risk rating for each of the fir trees, assuming the agreed requirement to remove the ivy and metal cable/plate as applicable;

(5) Alternatively, as Council may deem appropriate.



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**Preferred Option:** Option 1 is the preferred option from staff's perspective. If the values set out in the Tree Bylaw in respect of Significant, and in this case Ancient, Trees, are to be upheld, then absent any indication that these trees are diseased or a danger to the public, other than by their size alone, Council ought to deny the application.

**Financial Considerations:** An assessment of the trees by a 3<sup>rd</sup> arborist is likely to cost upwards of \$500, possibly quite a bit more. With no indication of disease by either of the first two arborists, any such costs ought to be borne by the applicants, if they are to be provided the opportunity for another opinion.

**Legal Considerations:** Staff is of the opinion that the Municipality is on solid legal footing with the recommended option.

**Follow Up Action:** Per Council direction.

**Communication Plan:** Advise the applicants, and the neighbours who participated in the process, of the outcome.

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