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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, MARCH 29, 2022 starting at 11:00 AM**

**AT 400 Centre Rd. Lions Bay, BC and via Zoom video conference**

**To join the meeting, click here: <https://us02web.zoom.us/j/85496361265>**

**To join by phone, dial 778 907 2071 and enter Meeting ID: 854 9636 1265**

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**AGENDA**

- 1. Call to Order**
- 2. Appointment of Recorder**
- 3. Approval of the Agenda**  
THAT the agenda be approved, as presented.
- 4. Public Questions & Comments**
- 5. Business Arising from the Minutes**
- 6. Unfinished Business**
- 7. New Business (Page 2)**
  - A. Notice of Application
    - i. Applicant's obligations
    - ii. Staff's obligations
    - iii. Tree Committee's obligations
    - iv. General Public's obligations
  - B. Committee Terms of Reference
  - C. Nesting Provisions
- 8. Public Questions & Comments**
- 9. Adjournment**



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<b>Type</b>	<b>Information Report</b>		
<b>Title</b>	<b>Topics for Discussion</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	
<b>Date</b>	<b>March 25, 2022</b>	<b>Version</b>	
<b>Issued for</b>	<b>March 29, 2022 Trees, Views and Landscapes Committee Meeting</b>		

### Attachments:

(1) Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007 (Consolidation)

### Key Information:

Council has raised several issues regarding the tree permit application process to which staff have taken note to bring to the Committee. Questions to guide the discussion outlined in New Business of the agenda include:

1. Notice of application:
  - a. Applicant's obligations - who *must* the applicant notify, who *may* the applicant notify? (i.e. applicants *may* seek support from properties further above them whose view may be improved by the cutting?); should they have to do anything more than contact those covered by current definition of Affected Property Owner (eg: erect a sign at the site of the cutting similar to signs required for rezonings, TUPs, DVPs, etc.); should definition of APO be amended?
  - b. Staff's obligations - how does staff verify the appropriateness or completeness of the Applicant's obligations, and is anything more required than notice in one copy of the VU and posting at the Notice Boards out front and at post office (we had talked about dropping the 8 day requirement); add to website applications page as soon as received?
  - c. Tree Committee obligations - Should TC have any obligations to question the scope of comments surveyed by Applicant under current or amended definition of APO?



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- d. General Public's obligations – to what extent should persons with strong feelings about the trees around them, or further afield from their own properties, be responsible for staying abreast of new applications and Tree Committee proceedings publicly posted on Notice Boards, Village Update and Village website?
2. Tree Committee's Terms of Reference - thoughts about the Committee's role under the Terms of Reference in Schedule D and whether additional guidance is required to assist the Committee in weighing the perspectives of Affected Property Owners in making their recommendations. Should definition of APO be amended? Should ToR be amended?
3. Nesting provisions – amendments required to define more clearly what a "Nesting Survey" entails – eg: not just the subject trees but proximity of nests potentially affected.

**Follow Up Action:** TBD

**Communication Plan:** TBD



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007

## Office Consolidation

This document is an office consolidation of Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007 (formerly Village of Lions Bay Tree Bylaw No. 393, 2007) with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
465	3.1(9)	Amends s.3.4.1.4	September 2, 2014
491	All	Various amendments to text and schedules	July 19, 2016
497	3.4.1.4	Amend references to previous bylaw number	January 1, 2017
518	All	Various amendments to text and schedules	April 4, 2017
603	2, 3.4.8,	Updates the definition of Hazardous Tree and adds Registered Professional Biologist requirements	June 17, 2021

**VILLAGE OF LIONS BAY  
BYLAW No. 393, 2007**

**TREES, VIEWS AND LANDSCAPES BYLAW**

**A Bylaw to manage the preservation and replacement of,  
and to regulate the pruning and removal of, trees on municipally owned lands,  
for the safety and enjoyment of the residents of the Village of Lions Bay.**

**WHEREAS** the Council wishes to manage trees on municipal lands in order to protect the natural environment of Lions Bay for the future of the Village, while at the same time taking into account the need to protect public safety, as well as wherever feasible the preservation of scenic views and landscapes;

**AND WHEREAS**, given the conflict that may at times arise between individual interest and the public good on issues concerning the management of trees on municipal lands, it is desirable that a consistent approach be articulated;

**AND WHEREAS** the Community Charter gives Council the authority, by Bylaw, to preserve trees, regulate the pruning and removal of trees, charge a fee for a permit to allow the cutting and removal of trees and require the replacement of trees cut down;

**NOW THEREFORE** the Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

**CITATION**

1. This Bylaw may be cited for all purposes as “Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007”.

**PART I  
DEFINITIONS**

2. In this Bylaw:

“Administrator” means the person appointed by Council as the Administrator for the Village.

“Affected Property Owner” means any adjacent property owner and any property owner whose line of sight or proximate enjoyment, including but not limited to shade and aesthetics, may be affected if an application is approved.

[Amended by Bylaw No. 518]

“Bylaw Enforcement Officer” means an individual appointed from time to time by Council to enforce Village Bylaws.

“Certified Arborist” means a person certified by the International Society of Arboriculture or the National Arborist Association as an arborist.

“Council” means the elected Council of the Village.

“Cut” means to cut down or remove a tree by any means and includes the cutting of a tree trunk, the topping of a tree, or the removal of a tree branch where the branch has a diameter of 7 centimetres or greater.

“Drip Line” means the outermost perimeter of the canopy of a tree, seen as a line on the ground around the trunk of a tree directly beneath the ends of the outermost twigs and branches.

“Hazardous Tree” means any tree which, due to its location, condition or any other circumstance, has been determined, by the Administrator, on advice from a Certified Arborist, to present an imminent, unacceptable risk to existing or planned Municipal infrastructure or the safety of persons, private property or any other tree(s).

“Lot” is defined as a parcel of land registered in the Land Title Office.

“Municipal Lands” means all lands within the boundaries of the Village of Lions Bay that are owned by the Village, including all Village parks.

“Owner” has the same meaning as in the Community Charter.

[Amended by Bylaw No. 518]

“Pruning” means the trimming of living or dead parts from a tree in order to reduce size or to maintain the shape and health of the tree.

“Registered Professional Biologist” means a person authorized by the College of Applied Biology to practice in the Province of British Columbia.

“Replacement Tree” means any tree, regardless of size, that is shown on a Tree Cutting and Replacement Plan as a replacement for a tree which has been cut down.

“Significant Tree” means any tree that is of particular significance to the Village, due to size, age, landmark value, cultural, ecological or social import, trees planted by the Village on boulevards, and any tree that is protected as wildlife habitat for an egg or a nest under Section 34 of the Wildlife Act. (See Schedule C.)

“Tree” means any woody plant of any species where the diameter of the trunk when measured 1.4 metres above natural grade is greater than 20 centimetres, or in the case of *Arbutus* (*Arbutus menziesii*), Pacific Dogwood (*Cornus nuttallii*), and Western Yew (*Taxus brevifolia*) trees, where the diameter of the trunk when measured 1.4 metres above level grade is greater than 10 centimetres. The diameter of a tree shall be determined by dividing the circumference of the trunk measured 1.4 metres above the ground by 3.142. The diameter of a tree having multiple trunks 1.4 metres above the ground shall be the sum of 100 per cent of the diameter of the largest trunk and 60 per cent of the diameters of each additional trunk.

“Tree Cutting Permit” means a permit issued by the Administrator in accordance with this Bylaw, which will allow cutting of trees under conditions stipulated in the Bylaw. An example of the permit is contained in Schedule B. A permit is only a permission pursuant to this Bylaw, and does not relieve the permit holder from complying with all other laws, regulations and requirements of any public authority having jurisdiction, nor relieve the holder from complying with civil, common law or contractual obligations.

“Tree Cutting and Replacement Plan” means a plan which shows the trees proposed to be cut and the location, size (height and diameter) and species of replacement trees to be planted upon a subject site.

“Tree removal” means the cutting down of the entire tree.

“Tree Survey” means a plan of a subject site showing the location, species and trunk diameter of all existing trees as defined by this Bylaw.

“Tree Topping” means the removal of the top of a tree to leave the trunk level with lateral branches.

“Trees, Views and Landscapes Committee” means an advisory Committee appointed from time to time by the Council to provide advice on the application of this Bylaw and to make recommendations to Council on applications that are made for permission to

cut or prune trees. The Terms of Reference and General Guidelines for this Committee are contained in Schedule D.

“Village” means the Municipality of the Village of Lions Bay.

“Works Manager” means the Manager of Public Works and Services for the Village.

## **PART II**

### **APPLICATION OF BYLAW**

- 3.1. This Bylaw applies to all municipal lands within the Village.
- 3.2. No person shall obstruct or attempt to obstruct any Bylaw Enforcement Officer, official, employee or agent of the Village in the exercise of any of that person’s duties under this Bylaw.

### **TREE CUTTING PERMIT**

- 3.3. No person may cut, prune or remove a tree on municipal land without first having applied for and having obtained a Tree Cutting Permit, an example of which is appended as Schedule B.
- 3.4. An application in writing for a Tree Cutting Permit, appended as Schedule A, shall be made to the Village Office.
  - 3.4.1 The application will include the following:
    - 3.4.1.1 A detailed description of the proposed work including a statement of purpose and rationale.
    - 3.4.1.2 A description of the species of tree to be cut, including location and height of tree, and amount to be cut. A clearly labelled photograph must be provided, and if pruning is required, a line must be drawn on the photograph indicating the extent of the proposed pruning; the subject tree must also bear a ribbon marker.

- 3.4.1.3 If relevant, a proposed replanting plan indicating: location, species and size of tree, bush and shrub that is to be planted to replace the removed tree. The tree, bush or shrub may be planted in the same location or in another area agreed upon by the Village on the advice of the Tree Committee.
- 3.4.1.4 A non-refundable permit application fee in accordance with Schedule 2 of Fees and Charges Bylaw No. 497, 2016, as amended, paid prior to the issuance of a permit.

[Amended by Bylaw 465]  
[Amended by Fees Bylaw No. 497, 2016]
- 3.4.1.5. The name of the tree cutting contractor, if applicable, together with the date and time of the planned work.
- 3.4.1.6. A plan for tree planting if applicable. The Village will not allow to be planted on municipal land trees that will grow to a height that could impede utilities and signage visibility, safety and the enjoyment of views, or interfere with any municipal infrastructure in the ground.
- 3.4.1.7 Confirmation that Affected Property Owners in the area of the proposed tree pruning or cutting have been specifically consulted and any opinions expressed, verbally or in writing, are included with or attached to the application.

[Amended by Bylaw 518]
- 3.4.2. Each application will be forwarded by the Village Office to the Public Works Department and then to the Trees, Views and Landscapes Committee with any comments from Public Works.
  - 3.4.2.1 The Trees, Views and Landscapes Committee, acting in accordance with the Terms of Reference appended as Schedule D and forming a part of this bylaw, will determine a date and time for a Committee meeting to consider the application, which shall be held at or near the site of the proposed permit location.

3.4.2.2 The Trees, Views and Landscapes Committee Chair will notify the Village Office at least 8 clear days in advance of the Committee meeting date and the Village will publish Notice of the Trees, Views and Landscapes Committee Meeting to the Public Notice Posting Places as defined in Council Procedures Bylaw No. 476, 2015, and in the Village Update newsletter.

[Amended by Bylaw 518]

3.4.2.3 Members of the public may attend the onsite Committee meeting or submit comments via the Village Office.

3.4.3. The Trees, Views and Landscapes Committee will,

3.4.3.1 acting in accordance with its Terms of Reference in Schedule D, convene its open meeting at the appointed place, date and time and, after hearing from the applicant, if in attendance, will provide any member of the public who is present an opportunity to be heard verbally or in writing; and

3.4.3.2 duly take minutes of the meeting and will provide those draft minutes and its recommendation to the Village Office for inclusion on the Agenda of the next available Council meeting.

3.4.4. As a general practice requests by residents for the removal or cutting of any Significant Tree shall only be allowed by special exemption, and when no other compromise can be found. The Council will review each request on its merits. Exceptions can also be made in cases where such cutting or pruning is unavoidably required for reasons of safety or through exceptional circumstances such as the installation of roads or services. However, all trees on municipal property, including Significant Trees listed in Schedule C, shall be included in the Village's routine of tree maintenance.

3.4.5. All Tree Cutting Permits are valid only for a period of one (1) year from the date the Permit is approved by Council, subject to such longer period as may be determined by Council.

3.4.6. The Tree Cutting Permit applicant must hire a certified arborist or professional tree cutting contractor and will be responsible for all costs associated with

cutting and clean up of the tree for which the Permit was taken out. Clean up will be done to the satisfaction of the Village before the damage deposit required in section 3.4.9 will be returned to the applicant.

3.4.7. Any expense of an inspection by a Certified Arborist for tree evaluation will be borne by the Tree Cutting Permit applicant.

3.4.8 In order to protect nesting birds, no tree cutting may be carried out between March 26<sup>th</sup> and August 16<sup>th</sup> in any given year, unless:

3.4.8.1 the cutting is required to deal with a Hazardous Tree; or

3.4.8.2 subject to the requirement for a nesting survey by a Registered Professional Biologist, the cutting is approved by the Council as an exception where the application is connected to a building permit or other process which, if delayed, the Council considers would result in hardship to the applicant and the Council may consider:

3.4.8.2.1 the circumstances of the applicant;

3.4.8.2.2 the scope and location of the application;

3.4.8.2.3 the timing of the cutting in relation to the nesting calendar attached as Schedule "E" to this bylaw.

3.4.9 Prior to the issuance of a tree cutting permit, an applicant shall provide a damage deposit of \$500 and the applicant, or his/her designated arborist or contractor, is required to be in good standing with WorkSafe BC and obtain and maintain at all times during the validity of the tree cutting permit, public liability insurance in the amount of \$5,000,000 in connection with the obligations under this bylaw, which insurance policies shall include deductibles and terms satisfactory to the Village, shall name the Village as an "Additional Named Insured", and shall provide that the insurer shall notify the Village in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of the policy to the Village upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

### **TREE DAMAGING ACTIVITIES**

3.5. No person shall carry out any of the following tree damaging activities in respect to any tree to which this Bylaw applies unless a permit is first obtained and the activity is carried out strictly in accordance with the permit:

- 3.5.1 Cutting, damaging or undermining the roots growing inside the drip line of a tree;
- 3.5.2. Placing fill, building materials or structure upon land inside the drip line of a tree;
- 3.5.3. Operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree inside the drip line;
- 3.5.4. Denting, gouging or damaging the trunk of a tree;
- 3.5.5. Removing bark from a tree;
- 3.5.6. Sabotaging a tree with intent to kill it, including but not limited to using chemical or mechanical means-

## **EXEMPTIONS**

- 3.6. The following are general exemptions from this Bylaw:
  - 3.6.1. Removal or pruning by acceptable arboriculture practices of dead, diseased or damaged trees as identified by a Certified Arborist or the Works Manager in consultation with the Tree Committee;
  - 3.6.2. Emergency removal by acceptable arboriculture practices of hazardous trees and branches, as identified by a Certified Arborist or the Works Manager in consultation with the Tree Committee;
  - 3.6.3. Cutting or pruning of brush and trees under 20 centimetres in diameter (excepting the species mentioned under the definition “Tree”) on Village property by owners between their residential property line and the road. Removal of cuttings and clean up is the responsibility of the individual or individuals who undertake(s) the work;
  - 3.6.4. Cutting of trees by the Village, through its employees, agents or contractors for safety or any other reasons, including but not limited to visibility of hydrants and signs, traffic sight lines, accessibility for emergency vehicles and to facilitate parking;
  - 3.6.5. Regular maintenance to manage tree growth on a schedule created and executed by the Works Manager in consultation with the Tree Committee and other expert advice as from time to time deemed advisable and approved by Council.

- 3.7. Pruning for utility wire clearance is the responsibility of the utility company concerned, in concert with a representative of the Tree Committee, utilizing standard arboriculture practices.

### **CONTRAVENTION OF BYLAW**

- 3.8. Where a tree is cut in contravention of this Bylaw or conditions of a permit are breached:

3.8.1. An offence or bylaw contravention is committed under this Bylaw, and

3.8.2. The cutting of each tree shall constitute a separate offence or bylaw contravention.

- 3.9. Any person who contravenes any provision of this Bylaw, or who wilfully damages or cuts a tree on municipal property, contrary to or without a Tree Cutting Permit,

3.9.1 Is guilty of an offence or bylaw contravention and is liable to the penalties imposed under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, or, at the election of the Village, the penalties imposed by this Bylaw as follows:

3.9.1.1 The minimum penalty for each tree which is not a Significant Tree as defined in Schedule C is a fine of  
(a) \$1,000 for the first tree cut without a permit, and  
(b) \$3,000 for each subsequent tree cut without a permit.

[Amended by Bylaw 518]

3.9.1.2 The minimum penalty for each tree which is a Significant Tree as defined in Schedule C is a fine of not less than  
(a) \$4,000 for the first tree cut without a permit, and  
(b) \$6,000 for each subsequent tree cut without a permit.

[Amended by Bylaw 518]

3.9.2 And will be required to undertake the following remedial measures:

3.9.2.1 Present a replacement plan for any trees that were cut in contravention of this bylaw;

3.9.2.2 Replace trees that were cut with replacement trees in accordance with good arboriculture practice as determined by a qualified person approved by Council;

- 3.9.2.3 Ensure that replacement trees are of a minimum size approved by Council.

**REGULATIONS AND ENFORCEMENT**

3.10. Any law enforcement officer, Bylaw Enforcement Officer, or authorized agent appointed by the Village, may enforce this bylaw by way of:

- 3.10.1 summary prosecution under the Offence Act;
- 3.10.2 if applicable, issuance of a municipal ticket under a valid municipal ticket information bylaw;
- 3.10.3 Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended.

3.11. In the event the Village elects enforcement under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, the bylaw contraventions listed in sections 3.8 and 3.9 of Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, shall not constitute the creation of an offence or offences, notwithstanding the wording to the contrary within sections 3.8 and 3.9 and the issuance of a bylaw notice shall not constitute the charging of a person with the commission of an offence.

**READ A FIRST TIME this      17<sup>th</sup> day of September, 2007**

**READ A SECOND TIME this      17<sup>th</sup> day of      September, 2007.**

**READ A THIRD TIME this      17<sup>th</sup> day of      September, 2007.**

**ADOPTED this      20<sup>th</sup> day of      September, 2007.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Administrator**

**Certified a true copy of Bylaw No. 393 as adopted.**

\_\_\_\_\_  
**Administrator**



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

**Tree Cutting Application Form**

All fields must be completed

Applicant's Full Name:	
Address:	
Phone:	Email:
Arborist/Contractor Name:	
Phone:	Email:

Office Use Only	Tree Application Number:
Received by:	Date:
Amount Paid:	Cash or Cheque:
Application Complete? (Y/N)	If no, reason:
Date referred to Public Works:	Date returned by Public Works: <b>(See attached comments)</b>
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:



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Species/Description of Tree(s):

Location of Tree(s):

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

Reason for Removal:

- Too close to property (foundation, garage, fence, etc.)
- Dead, dying or diseased
- Unattractive
- Blocking sunlight
- Attracting wildlife

- Interfering with infrastructure (roads, sidewalks, etc.)
- Leaves causing problems
- Blocking site access
- Affecting house value
- Hazardous
- Interfering with view

Please provide additional comments which may be useful:

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



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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.

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Name of Applicant (Please Print)

Signature

Date Signed

**SCHEDULE "B"**

**Permit for Tree Cutting**

TREE CUTTING PERMIT NO. \_\_\_\_\_

This Permit is hereby issued to:

\_\_\_\_\_  
(name of applicant - the Permittee)

for tree cutting on municipal property near:

\_\_\_\_\_  
(insert legal description)

\_\_\_\_\_  
(insert municipal address)

in accordance with the resolution passed by Council on \_\_\_\_\_

under Agenda Item Number \_\_\_\_\_.

All work must be undertaken strictly in accordance with Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended and all plans and specifications attached hereto as part of this Permit and as approved by Council.

Prior to the issuance of a tree cutting permit, an applicant shall provide a damage deposit of \$500 and the applicant, or his/her designated arborist or contractor, is required to be in good standing with WorkSafe BC and obtain and maintain at all times during the validity of the tree cutting permit, public liability insurance in the amount of \$5,000,000 in connection with the obligations under this bylaw, which insurance policies shall include deductibles and terms satisfactory to the Village, shall name the Village as an "Additional Named Insured", and shall provide that the insurer shall notify the Village in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of the policy to the Village upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

Where tree cutting work will result in vehicles or machinery blocking a roadway, in whole or in part, or may result in any portion of the tree falling on the roadway, the company or persons performing the work must provide cautionary roadway signage on both sides of the location and a minimum of one flag person to control traffic, and must contact the Village Office prior to undertaking the work.

**INDEMNIFICATION**

Without limiting any other obligation of the Permittee under this Permit or otherwise, the Permittee hereby agrees to Indemnify and Save Harmless the Village of Lions Bay (the "Village"), its elected officials, officers, employees, servants, agents and others for whom the Village is in law responsible,

from and against any liability, loss, claims, demands, damages, fines and penalties, costs and expenses (including consulting fees), investigatory and legal expenses, and any other actions or causes of actions, suits, caused by or attributed to any willful or negligent act, omission, delay, or allegations thereof on the part of the Permittee, its officers, employees, subcontractors, agents, licensees, assignees, invitees or other persons engaged in the performance, non-performance or attempted performance of the work pursuant to this Permit or anyone else for whom the Contractor is in law responsible.

THIS PERMIT EXPIRES ON:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
CAO/Village Manager

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## **SCHEDULE "C"**

### **Significant Tree Categories**

The following trees are designated Significant Trees in the meaning and spirit of this Bylaw:

#### **NATIVE TREE SPECIES**

*Pseudotsuga menziesii* Douglas Fir, exceeding 70 cm diameter

*Picea sitchensis* Sitka Spruce, exceeding 70 cm diameter

*Abies grandis* Grand Fir, exceeding 60 cm diameter

*Thuja plicata* Western Red Cedar, exceeding 70 cm diameter

*Tsuga heterophylla* Western Hemlock, exceeding 70 cm diameter

*Arbutus menziesii* Arbutus, exceeding 10 cm diameter

*Taxus brevifolia* Western Yew, exceeding 10 cm diameter

*Cornus nuttallii* Pacific Dogwood, exceeding 10 cm diameter

*Acer macrophyllum* Big Leaf Maple, exceeding 70 cm diameter

*Alnus rubra* Red Alder, exceeding 60 cm diameter

*Acer circinatum* Vine Maple, exceeding 10 cm diameter

#### **MEMORIAL TREES**

The memorial dogwood tree planted at the centre of Wade Park;

The memorial oak tree planted at Marjorie Meadows;

Any other tree designated by the Trees, Views and Landscapes Committee as a memorial tree, or of other social or cultural significance.

#### **ORNAMENTAL TREES**

Any trees that have been or will be planted to ornament Municipal lands, including boulevards.

#### **SPECIMEN TREES**

Any unusual specimen tree as designated and registered by a Certified Arborist upon inspection.

#### **ANCIENT GROWTH TREES**

Trees greater than 90 centimetres in diameter are considered ancient growth and should be protected under any circumstances unless they become a hazard to life, homes or services.

## **SCHEDULE "D":**

### **Trees, Views and Landscapes Committee**

#### **Terms of Reference**

The purpose of the Trees Views and Landscapes Committee is to act in an advisory capacity to Council on matters related to the development, interpretation, enforcement and future direction of tree management in the Village of Lions Bay. It is the first point of reference for Tree-Cutting Permit applications under the Tree Bylaw, and is expected to provide balanced and objective advice to Council on these applications.

The Trees, Views and Landscapes Committee is an advisory committee of Council. It consists of four residents of Lions Bay, appointed by Council, one of whom is Chair, plus one member of Council. Quorum consists of any 3 members being present at an open meeting and any member may be elected as Chair by the Committee. Appointed members will preferably have special knowledge or expertise in tree management, and be willing and able to take an impartial and objective view of applications that come before them. On each application, the recommendation recorded and forwarded to Council will be that of the majority of the members present at a duly constituted meeting of the Committee. The appointments are for a four year term and are renewable at the pleasure of Council.

#### **General Guidelines**

While it is understood that the specifics of each application for pruning or tree removal under the Bylaw will be different, the following general considerations should apply:

1. *The natural character in the area of the Village in which an application is made.*  
Differentiation among the various distinct neighbourhoods should be allowed for. The nature of Village parkland and the need to protect it for future generations should also be a factor. Environmental arguments, such as the value of the contribution made by trees to air quality and the "greenness" of the planet, deserve consideration, but, given the immediate proximity of dense forest wilderness, should not carry undue weight.
2. *The effect on neighbours.* Lions Bay residents are consistently divided between those for whom a distant view is most important, and those for whom the trees and forest take precedence. Both have viable, legitimate claims, which should be respected. The resident who bought his or her home for the view and has seen that view slowly

disappear because of maturing trees on municipal property has reasonable cause to seek a remedy. However, the simple fact that, over time, trees grow should not be ignored. It is also important to give appropriate weight to expressed concerns. For instance, persons who enjoy the sight of a stand of trees as they pass on their daily commute might be thought to have less say in the matter than those whose home overlooks the same trees, and whose enjoyment of a view is impacted by them.

However, while a view of Howe Sound will be given serious consideration in the decision-making process, this consideration will be in the context of other factors such as the overall Village environment and appearance, the number of trees in the vicinity, and the value of the trees themselves as part of our environmental heritage.

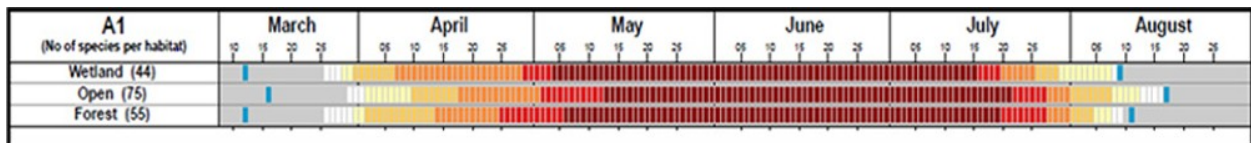
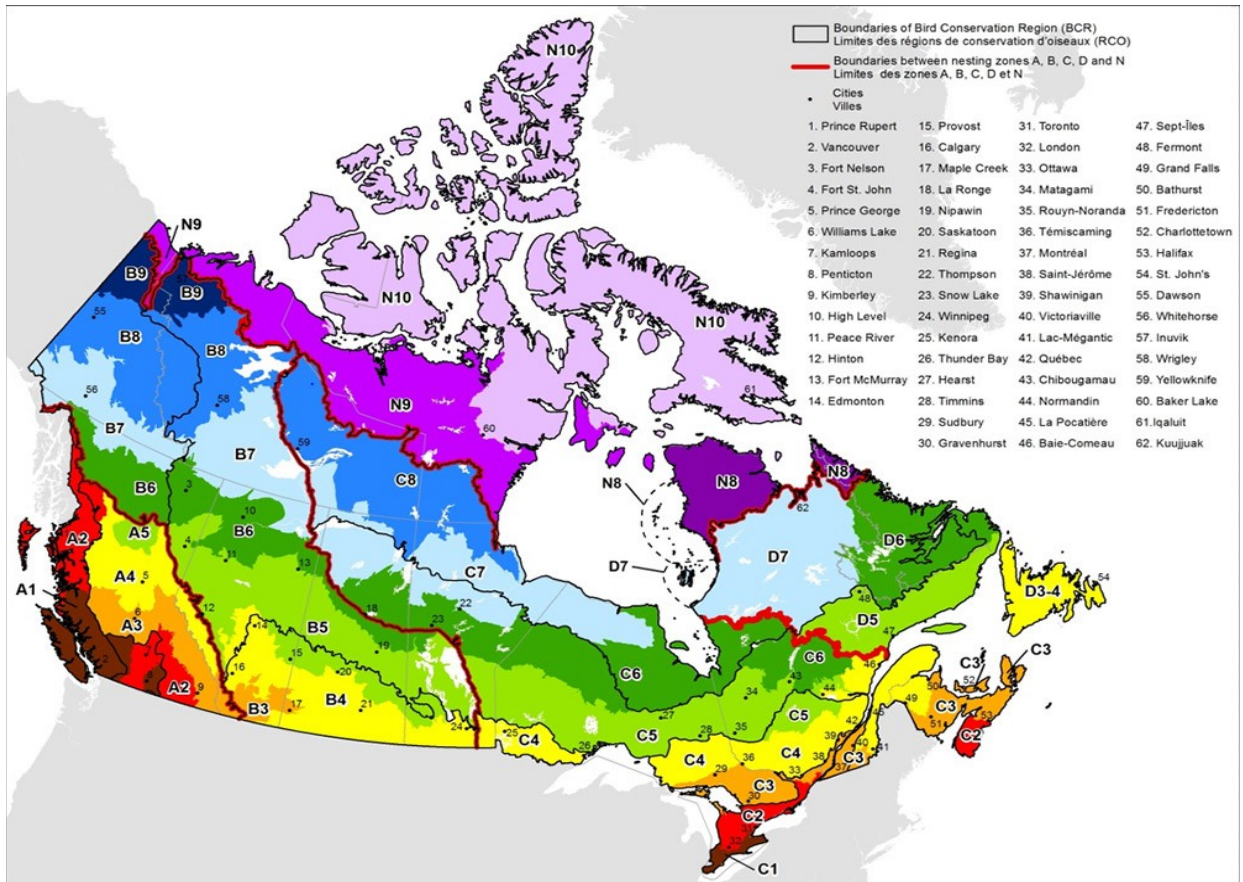
3. In contentious situations it is important to consider options other than wholesale removal, providing always that retention of large trees does not endanger property, create a fire hazard or compromise the safety of utility lines. A number of compromise alternatives exist for opening up our woodland to light, air and views. Such opportunities include:

- thinning out trees to open the view and enhance the aesthetic value of the remaining trees,
- selectively limbing up trees by removing lower branches to improve both light and view, always providing that views enjoyed by residents at higher elevations or to the rear of the subject lot are not compromised,
- spiralling – that is, thinning out branches, with approximately alternate ones removed, circling the tree
- windowing – removing several branches from a given area along the trunk, providing a window through which to see a distant view
- topping – while this is not considered a preferred treatment of tall trees, it should remain an option, where appropriate, for consideration by the Trees, Views and Landscapes Committee. Previously topped trees may be re-topped, if on the advice of a Certified Arborist or the Trees, Views and Landscapes Committee, the re-topping is considered a suitable prescription.

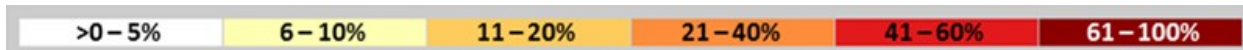
4. In cases involving unresolved conflict, all parties will have the opportunity to present their views directly to Council, which may request additional information and meetings, including the advice of a Certified Arborist, in the process of reaching common ground and making its final decision.

## SCHEDULE "E"

### NESTING ZONES AND CALENDARS



**Legend for calendars: Number of species in percentage** (Blue markers show extreme dates predicted for some atypical parts of the nesting zone where nesting could be earlier or later).



The legend provides the colour scheme for nesting calendars in zone A broken down into the following six categories: 0 percent, less than 5 percent, 6 to 10 percent, 11 to 20 percent, 21 to 40 percent, 41 to 60 percent and 61 to 100 percent. In addition, markers show extreme dates predicted for some atypical parts of the nesting zone where nesting could occur earlier or later. The rest of the calendar dates are zero percent.

For nesting zone A1, within the species used, there are 55 species known to nest in **forest habitats**. The percentages of species actively nesting are:

- less than 5 percent from
  - March 26 to 30 and from August 8 to 9,
- 6 to 10 percent from
  - March 31 to April 1 and from August 5 to 7,
- 11 to 20 percent from
  - April 2 to 13 and from August 1 to 4,
- 21 to 40 percent from
  - April 14 to 24 and from July 28 to 31,
- 41 to 60 percent from
  - April 25 to May 5 and from July 20 to 27,
- 61 to 100 percent from
  - May 6 to July 19.

The extreme date markers are on March 12 and August 11. The rest of the calendar dates are zero percent.

For nesting zone A1, within the species used, there are 75 species known to nest in **open habitats**. The percentages of species actively nesting are:

- less than 5 percent from
  - March 30 to April 1 and from August 13 to 16,
- 6 to 10 percent from
  - April 2 to 9 and from August 8 to 12,
- 11 to 20 percent from
  - April 10 to 17 and from August 1 to 7,
- 21 to 40 percent from
  - April 18 to May 1 and from July 28 to 31,
- 41 to 60 percent from
  - May 2 to 12 and from July 22 to 27,
- 61 to 100 percent from May 13 to July 21.

The markers are on March 16 and August 17. The rest of the calendar dates are zero percent.