



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**

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**MINUTES**

In Attendance:

Council: Simon Waterson, Chair (via video conference)  
Jay Barber (via video conference)  
Jim Cannell (via video conference)  
Mike Jury (via video conference)  
Ron McLaughlin

Staff: Chief Administrative Officer Peter DeJong  
Public Works Manager Nai Jaffer (via video conference)  
Municipal Coordinator Karla Duarte (via video conference)(Recorder)

Public: 2

**1. Call to Order**

Simon Waterson called the meeting to order at 11:03 a.m.

**2. Appointment of Recorder**

Karla Duarte was appointed as the recorder.

**3. Approval of the Agenda**

THAT the agenda be approved, as presented.

**4. Public Questions & Comments**

A. Penny Nelson

P. Nelson commented on:

- her concerns that the tree Bylaw is not being enforced, that the process is not being followed, that consultation is insufficient, and that incomplete information is being passed to the Committee
- referred to the Official Community Plan, noting the preservation of the character of the Village and that many people are impacted by tree management

- noted that it is difficult to ascertain from the photos the work that is being done, that the qualities of trees are being ignored and that they are part of the views
- surprised that Climate Action Committee has not come into the conversation
- agreed with suggestion for signage on property for application
- stated that a Registered Professional Biologist doing a nesting survey decides compliance with federal and provincial legislation, not the Village or the Committee

Mayor McLaughlin questioned how Penny would define Affected Neighbours.

P. Nelson noted the difficulty in determining this as many people are impacted including visitors. There is a duty to retain character due to being part of the Biosphere reserve and having a canopy for birds. Treed neighbourhoods provide higher property values.

S. Waterson noted that in the applications the tree committee receives, not many trees have been authorized to be removed and that the Committee authorizes topping when a tree has been previously topped.

Discussion ensued on enforcement of the bylaw and P. Nelson suggested that Bylaw Enforcement officers be provided with a list of issued permits.

**5. Business Arising from the Minutes**

None

**6. Unfinished Business**

None

**7. New Business**

A. Notice of Application

- i. Applicant's obligations
- ii. Staff's obligations
- ii. Tree Committee's obligations
- iii. General Public's obligations

CAO DeJong:

- provided an overview of bylaw officer hours, noting the gradual expansion of the season
- noted that it is not Public Works primary task to provide bylaw enforcement
- rare to find someone cutting municipal trees without permit

- enforcement of the bylaw is being done
- 2017 amendments to the bylaw expanded the definition of Affected Property Owner beyond simply the adjacent properties
- provided an overview of the process in determining Affected Property Owners
- public can monitor applications, provide input and attend tree committee meetings
- questioned whether there needs to be an additional step: eg: posting a sign on the property

S. Waterson questioned whether businesses who cut trees can be fined as well.

CAO DeJong noted he would look into it.

PWM Jaffer noted one of his staff has certification in horticulture and one in silviculture and commented on the factors reviewed by Public Works on tree applications (eg: Village infrastructure, health of trees and slope stability) and considered for determining any replanting requirements:

- slope stability is a primary concern more so than vegetation management
- the understory and the number of voluntary trees that have grown up in that area that could benefit from more light and exposure through tree removal

P. Nelson commented on her disagreement on the bylaw being enforced and her concerns with trees taken out for landscaping, noting indigenous planting should be encouraged.

Discussion ensued on:

- concerns with making the process too cumbersome
- lack of clarity in application of the work being done
- people have opportunity to provide input
- long-term goals and considerations of tree planting; big trees come with issues as well
- consideration should also be given to those being negatively impacted by the tree
- supporting the idea of signage that drives people to the website for more information
- communication plan regarding bird nesting season: increase awareness
- preference for people to give feedback prior to Council decision

CAO DeJong questioned whether the definition of Affected Property Owner needs to be amended.

Discussion ensued on:

- sufficient notice
- public responsibility
- sign enough to drive people to the website for more information
- applicant needing to fairly consult and neighbours are supposed to get a copy of the proposed work

PWM Jaffer noted that Public Works will put up signs instead of the applicant.

#### B. Committee Terms of Reference

CAO DeJong presented an overview of the Committee Terms of Reference and questioned whether the Committee agreed with the terms as they stand in the bylaw.

Discussion ensued on:

- PWM Jaffer provided an overview of considerations the Public Works Department takes including how a tree impacts underground utilities such as water and sewer, history of branch falls, previous topping, health, slope stability and erosion control.
- people who are most affected should have the most weight for consideration
- have to manage case by case, which is what the committee has been doing
- signage will allow for greater feedback; may make things easier but may complicate as well - every case is going to be different
- never going to be complete agreement
- suggestion not to amend Terms of Reference at this time

#### C. Nesting Provisions

CAO DeJong provided an overview of his discussion with a Registered Professional Biologist to understand protocols to make amendments to the nesting provisions in the bylaw so that applicants will know what is required in a nesting survey. He noted that he will provide the draft updates to the Committee.

CAO DeJong clarified that while the Village can only enforce bird nesting season in relation to municipal land, everybody has an obligation to abide by the federal and provincial law. He noted that the volunteer-run bird friendly initiative will help to increase awareness and education for protection of songbirds.

PWM Jaffer noted that anybody has the ability to call the Conservation Officers Service to report contraventions of the Federal and Provincial regulations.

### 8. Public Questions & Comments

A. Penny Nelson

P. Nelson commented on bird nesting dates being earlier/later for some species, more communication regarding bird nesting season and the success of the nesting provision in the bylaw evidenced by the rush of pre-season applications.

**9. Adjournment**

Moved/Seconded

THAT the meeting be adjourned

**CARRIED**

The meeting adjourned at 12:26 p.m.